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AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE NO. 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 (SUBURBAN AGRICULTURAL, 1 DU/ACRE) AND A-1/ST (SUBURBAN AGRICULTURAL, 1 DU/ACRE, SPECIAL TREATMENT OVERLAY DISTRICT) TO PD/MU (PLANNED DEVELOPMENT MIXED USE); WITH SPECIAL APPROVAL FOR A MIXED AND MULTI-USE PROJECT IN A RES-9 (RESIDENTIAL, 9 DU/ACRE) AND A R/O/R (RETAIL/OFFICE/RESIDENTIAL) FUTURE LAND USE CATEGORY (FLUC); AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW A RETIREMENT AND HEALTH CARE PROJECT WHICH CONTAINS A HOTEL, COMMERCIAL, AN OUT-PATIENT FACILITY, A SKILLED NURSING FACILITY, MEDICAL OFFICE AND GENERAL SUPPORT OFFICE, PERSONAL CARE AND INDEPENDENT LIVING FACILITIES, A GOLF COURSE, AND A HOSPITAL AS AN ALTERNATIVE TO THE GENERAL OFFICE AND/OR SKILLED NURSING USES; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT. The Board of County Commissioners of said County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission of said County, as well as all other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Section 4 of this Ordinance from A-1 (Suburban Agricultural, 1 du/acre) and A-1/ST (Suburban Agricultural, 1 du/acre, Special Treatment Overlay District) to PD/MU (Planned Development/Mixed Use) with Special Approval for a Mixed and Multi-Use project in a RES-9 (Residential, 9 du/acre) and a R/O/R (Retail/Office/Residential) Future Land Use Category (FLUC).

B. The said Board of County Commissioners held public hearings on 06/26/91, 8/29/91, 10/31/91, 12/12/91, 2/27/92, 4/23/92, 5/28/92 and 6/03/92 regarding said proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, the Manatee County Land Development Code, and has further considered the information received at said public hearings.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Section 4 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the Manatee County Comprehensive Plan.

Section 2. The General Development Plan, entitled UNIVERSITY COMMONS, is hereby APPROVED to allow a retirement and health care project, which contains a hotel, commercial, an out-patient facility, a skilled nursing facility, medical office and general support office, personal care and independent living facilities, a golf course, and a hospital as an alternative to the general office and/or skilled nursing uses with the following definitions and stipulations:

**DEFINITIONS:**

Note: An asterisk (\*) following a word or phrase denotes that the word or phrase is defined.

- A. "Application for Development Approval" (or "ADA") shall mean University Commons' Development of Regional Impact Application for Development Approval (December 28, 1988), and additional information submittals by the Developer\* dated May 23, 1989, August 21, 1989, December 29, 1989, July 19, 1990, and December 19, 1990, and technical memoranda and supplemental information submitted on October 25, 1991, January 10, 1992, March 13, 1992, March 18, 1992 and April 27, 1992 and revised Map H dated October 7, 1991.
- B. "Best Management Practices" (BMP\*) shall mean the method or combination of methods determined after problem assessment, examination of alternative practices, to be the most effective and practicable means of reducing or preventing nonpoint source pollution to levels compatible with water quality goals. These measures could include both structural (e.g., sediment/debris basins, wetland impoundment of agricultural runoff, etc.) and nonstructural (e.g., street vacuuming, deferred grazing systems, etc.) approaches to abatement of nonpoint source pollution, and would vary on a regional and local basis depending on the nature of the problems, climate, physical characteristics, land use, soil types and conditions and other factors.
- C. "Developer" shall mean University Commons, L.P., its heirs, assigns, designees, agents, and successors in interest as to the University Commons Development\* and all its stipulations.
- D. "Development" shall mean the land uses by area, square footage, density, phase and type as described in the ADA\*, and/or this Development Order herein, to be constructed on the real property described in Section 8.
- E. "Development Approval" shall mean any approval for development granted through the Preliminary Site Plan\*, Preliminary Plat, Final Plat, and Final Site Plan process and/or construction drawing approval where site plans or subdivision plats are not required.
- F. "Master Drainage Plan" shall mean a plan which shall show the proposed stormwater management components to be constructed for the entire project as follows:
  - 1. existing topography;
  - 2. existing drainage features, both on site and off site, that will affect the drainage concept of the Development\*; existing and developed drainage basins, with their direction of outfall;
  - 3. proposed stormwater management facilities, which shall include: detention lakes, connection of lakes and the eventual outfall for these lakes;
  - 4. off site areas that historically drain through the property shall be addressed, as to the method that the applicant proposes to use to accommodate off site stormwater.
- G. "Preliminary Site Plan" (or "PSP") shall mean a Preliminary Master Site Plan or a Preliminary Site Plan for a Phase or Subphase as defined in The Manatee County Land Development Code, (Ordinance 90-01) for a Phase or Sub-Phase.

- H. "Post-Development Wetlands" shall mean any lands determined to be within jurisdictional limits defined by Chapter 17-301, Florida Administrative Code (F.A.C.) and implemented by the Florida Department of Environmental Regulations ("FDER"), or as defined within Chapter 40D-4, F.A.C., and implemented by the SWFWMD, including any wetland mitigation areas approved as part of development for this or any other project.
- I. "Transportation Impact Area" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by the Development\* shown on a proposed PSP\* in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by DCA, TBRPC and the County) or more of the Level of Service "D" Peak Hour. This area is generally depicted on Map J (Attachment #1) which was based on data submitted with the ADA\*.
- J. "Vertical Development" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any such structure.
- K. "Warranted" shall mean a determination by the County Transportation Division, Public Works Department, or other responsible County department, based on generally accepted transportation engineering practices that the adopted Level of Service cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by the Development\*.
- L. The definitions contained in Chapter 380, Florida Statutes, shall also apply to this Development Order.

**STIPULATIONS:**

- A.(1) This Approval is limited to the Development\* and Development\* schedule listed in Table 1 below. Development of the hospital referenced in said table is subject to the Developer\* applying for and being granted an amendment to the FLUM of the County's Comprehensive Plan which would designate the land upon which the hospital is to be located Public/Semi-Public (2), or such other land use designation which would allow the hospital as it is proposed and as it has been reviewed, as part of this application. If the Developer\* obtains the said amendment to the FLUM, the hospital exchange mechanism referenced in Table 1 shall be implemented pursuant to this Development Order. For purposes of this Development Order, the term "hospital" is defined as a facility which: "offers services more intensive than those required for room, board, personal services, and general nursing care, and offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent, as defined in Section 395.002(6), Florida Statutes.

TABLE 1

**DEVELOPMENT\* LAND AREA AND USES**

Column A Land Use	Column B Phase I 1992-1997	Column C Phase II 1998-2002	Column D Total Sq. Ft.	Column E Total Units	Column F Acres	Column G Land Use Minimum/ Maximum N/A
IL (Residential)	484 hus	242 hus	—	726 hus	58	N/A
PC (Residential)	160 hus	80 hus	—	240 hus	10	120/320 hus
SN (Service)	120 beds	120 beds	—	240 beds	12.5	0/240 beds
HOTEL (Hotel)	240 rooms	—	—	240 rooms	14.8	N/A
COMMERCIAL <sup>2</sup> (Retail)	305,000 sq. ft.	10,000 sq. ft.	315,000 sq. ft.	—	33.8	N/A
MED. OFFICE (Office)	86,000 sq. ft.	10,000 sq. ft.	96,000 sq. ft.	—	17.2	96,000/175,000 sq. ft.
OUT PATIENT (Office)	<u>24,000 sq. ft.</u>	<u>24,000 sq. ft.</u>	<u>48,000 sq. ft.</u>	—	8.5	24,000/60,000 sq. ft.
MED CENTER (Office)	110,000 sq. ft.	34,000 sq. ft.	144,000 sq. ft.	—	25.7	120,000/235,000 sq. ft.
(Total of Medical Office and Out Patient)						
SUPPORT OFFICE (Office)	45,000 sq. ft.	—	45,000 sq. ft.	—	4.5	N/A
GOLF COURSE (Attraction Recreation)	1 golf course	—	1 golf course	—	118.4	N/A
GENERAL OFFICE (Office)	27,140 sq. ft.	176,664 sq. ft.	203,804 sq. ft.	—	8.6	10,000/250,000 sq. ft.
HOSPITAL (Hospital)	—	—	—	—	—	234 beds

<sup>1</sup>Titles in parentheses refer to land use designations as categorized by the State in Section 380.0651, Florida Statutes.

<sup>2</sup>Commercial acreage and square footage figures include the existing 250,000 square foot shopping center, which is located on 30± acres in the southeast corner of the Project\*.

- A. (2) Preliminary and Final Site Plan approvals shall be granted on the basis of demonstrated compliance with The Manatee County Comprehensive Plan and the Land Development Code, as amended, and the availability of level of service for, but not limited to, roadway capacity, mass transit, potable water, sanitary sewer, parks and recreation facilities, drainage, and solid waste service, necessary to serve the Development\*.
- A. (3) The County has determined that with the Development Order conditions contained herein, there exists adequate level of service capacity for the concurrency items listed in Section 5.A.(2) above to accommodate the impacts of Phase I of the Development\* and that said capacity for the impacts are being reserved for Phase I of the Development\*. Level of Service capacity for Phase I shall be reserved for a period of five (5) years from the effective date of this Ordinance.
- A. (4) The Developer\* shall submit a Preliminary Site Plan\* for Phase I, or any subphase thereof, within twenty four (24) months of the effective date of this Ordinance. All portions of Phase I must have Preliminary Site Plan\* approval within five (5) years from the date of approval of this Development Order and all portions of Phase II must have Preliminary and Final Site Plan approval within ten (10) years from the date of approval of this Development Order.

**Transportation**

- B. (1) The Developer\*, at its option, shall select one of the following alternatives to mitigate the project's Phase I transportation impacts.

(a) Option 1

Phase I of the Development\* shall require funding commitments from responsible entities for the roadway and intersection improvements, or alternative improvements of equal or greater capacity, listed in Tables 2 and 3. Without funding commitments for these improvements, construction permits for Vertical Development\* shall not be issued for Phase I.

**TABLE 2**

Phase 1 (1997) Required Link Improvements for University Commons

Roadway Segment Improvement Number	Road Segment	Total Traffic LOS Prior to Improvement	Development Traffic as a % of LOS "D" Peak Hour Capacity	Required Improvement
1.	I-75 (West) to I-75 (East)	D	6.6	Construct 2nd NB off-ramp lane at I-75.
2.	I-75 (West) to I-75 (East)	D	9.5	Construct 2nd SB on-ramp lane at I-75.

Airport Connector Road (located within Sarasota County)

**TABLE 3**

Phase I (1997) Required Intersection Improvements for University Commons

Intersection Improvement Number	Inter-section	Traffic LOS Prior to Improvement	Development Traffic as a % of LOS "D" Peak Hour Capacity	Required Improvement
1.	Tallevast Road at Tuttle Avenue	F	7.8	Signalize when MUTCD-Warranted*.
University Parkway (partially within Sarasota County)				
2.	U.S. 301	F	8.6	Construct 2nd NB & SB left turn lanes.
3.	I-75 (West Side)	F	9.1	Construct 3rd thru lane EB & WB. Signalize when MUTCD-Warranted*.
4.	I-75 (East Side)	F	11.6	Construct 2nd left turn lane NB & EB. Signalize when MUTCD-Warranted*.

5.	Tuttle Avenue at Project Access	N/A	N/A	Construct 1 left turn & 1 right turn lane NB & SB; & 1 left turn, 1 right turn & 1 thru lane EB & WB. Signalize when MUTCD-Warranted*.
6.	Lockwood Ridge Road at Project Access B	N/A	N/A	Signalize when MUTCD-Warranted*.
7.	Lockwood Ridge Road at Project Access C	N/A	N/A	Construct 1 left turn lane NB; 1 right turn lane SB' & 1 left turn & 1 right turn lane EB. Signalize when MUTCD-Warranted*.
8.	Lockwood Ridge Road at Project access Drive C-1	N/A	N/A	Construct 1 left turn lane NB; & 1 left turn & 1 right turn lane EB.

The requirements of Option 1 are hereby satisfied by virtue of the following:

1. Roadway Segment Improvements #1 and #2 are not Warranted\* at this time pursuant to TBRPC and Manatee County Level of Service policies, and may not be Warranted\* until traffic volumes thereon require such improvements in order to maintain a current acceptable level of service ("LOS"). These improvements will not be required as mitigation for this Development\* if the FDOT SHS Level of Service designation is revised from LOS C to some lower LOS. Roadway Segment Improvements #1 and #2 shall be monitored annually during a representative p.m. peak hour weekday condition. The results of these monitorings shall be provided in each Annual Report until such time as

- (1) the improvements are Warranted\*, or
- (2) the minimum acceptable Level of Service is revised from LOS C to LOS D or lower.

Should Roadway Segment Improvements #1 and #2 become Warranted\*, no further building permits shall be issued until the said improvements are committed for construction in a timely manner in accordance with the Manatee County Concurrency Procedures Manual, as amended.

2. Intersection Improvement #1 will be funded by the Developer\*. Applicable credit shall be granted to the Developer\* in accordance with the Manatee County Land Development Code. Manatee County shall be responsible for determining when signalization is Warranted\* and the timely permitting and construction of signalization.

3. The Developer\* shall fund the construction of and construct the improvement identified for intersection #2 or such alternative improvement which provides the same or greater intersection capacity if approved by the County. The County shall be responsible for the timely permitting of the improvement, or such alternative improvement which provides the same or greater intersection capacity. Applicable credit shall be granted to the Developer\* in accordance with the Manatee County Land Development Code.
4. At the intersection of University Parkway/Tuttle Avenue, the Developer\* shall either fund the construction of a southbound exclusive right turn lane or a right-in/right-out driveway at the southwest corner of the Development\* providing direct access to University Parkway. The Developer\* shall be responsible for the construction and funding of the right turn lane or right-in/right-out driveway, if approved by the County.
5. Intersection Improvements #3 and #4 will be funded by the Developer\*. Applicable credit shall be granted to the Developer\* in accordance with the Manatee County Land Development Code. The Developer\*, through monitoring, shall be responsible for determining when the second northbound to westbound left turn lane is Warranted\* in a manner identical to that described for Roadway Segment Improvements #1 and #2, since this intersection improvement is a companion improvement to Roadway Segment Improvements #1 and #2. The County shall be responsible for determining when signalization is Warranted\* and the timely permitting and construction of signalization.
6. Intersection Improvement #5 will be funded and constructed by the Developer\* and signalized prior to issuance of any Certificates of Occupancy for the Hotel, Independent Living Facility, Personal Care/Skilled Nursing Facility, and the Medical/Business Center unless this condition is amended by the Board of County Commissioners and any other controlling ordinances, rules or regulations are amended in accordance with applicable law.
7. Intersection Improvements #6, #7 and #8 will be funded and constructed by the Developer\* and signalized prior to issuance of any Certificates of Occupancy for the Commercial and Golf Course portions of the Development\* unless this condition is amended by the Board of County Commissioners and any other controlling ordinances, rules or regulations are amended in accordance with applicable law.
8. The Developer\* may, if permitted by interlocal agreement between Manatee and Sarasota Counties and the Manatee County Comprehensive Plan, fund and construct a right-in/right-out driveway to provide direct access to University Parkway for the existing on site shopping center (i.e., Centre at University Parkway).
9. In addition to satisfying Option 1, provisions B.(1)(a)1. through 7. of this Development Order, the Developer\* has also satisfied the concurrency requirements of Manatee and Sarasota Counties for Phase 1, which requirements of Sarasota County are attached (Attachment #2).

B.(1)(b) Option 2

In the event that commitments for transportation improvements are only adequate to permit approval of a portion (subphase) of the Development\*, the capacity and loading of transportation facilities in the University Commons DRI Transportation Impact Area\*, including, but not limited to, the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. The subphase of development that is approvable in the adopted Development Order shall be specifically identified as to land

use and square footage. The Developer\* shall generate and provide the County, the Sarasota-Manatee Metropolitan Planning Organization ("MPO"), the Florida Department of Transportation ("FDOT") and the TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above listed roadways and projections of traffic volumes that will result from the completion of construction of the initially approved portion of Phase I plus that to be generated by the next portion for which the Developer\* is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Option 1) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at Level of Service D at peak hour (C peak in rural areas). Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval beyond initial subphase approval, the County shall ensure in written findings of fact that the above roadways (Tables 1 and 2 above) are operating at or above Level of Service D at peak hours (C peak in rural areas), and that the expected trips to be generated by such approval, in addition to the traffic to be generated by other approved DRIs and other approved development would not cause the roadways to operate below Level of Service D at peak hours (C peak in rural areas). The Development Order shall be amended for each subphase to grant specific approval and to identify the roadway improvements associated with each subphase.

B.(2) The future roadway improvements assumed in the transportation analysis for the Development\* consist of:

- (a) Lockwood Ridge Road as a four lane facility between University Parkway and DeSoto Road; and
- (b) Lockwood Ridge Road as a four lane facility between DeSoto Road and 27th Avenue.

Both of these assumed roadway improvements have been constructed.

B.(3) The Developer\* shall construct on site roadways, bikeways, pedestrian ways, and cart paths, as appropriate, singularly or in any combination to internally connect all on site land uses. Failure to provide said internal connections shall require the submittal of a revised traffic analysis and submission of a Notice of Proposed Change to determine whether this change is a Substantial Deviation.

B.(4) Beginning with the first annual report required by this Development Order, an annual monitoring program consisting of peak hour traffic counts at the project entrances shall be instituted to verify that the projected number of external trips for the Development\* are not exceeded. Counts will continue on an annual basis through project build-out, and the information shall be supplied with each required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates that the total trips exceed projected counts for the Development\* by 15 percent or more, Manatee County shall conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), Florida Statutes. This change will be presumed to be a Substantial Deviation. The results of the Substantial Deviation determination may also serve as a basis for the Developer\* or reviewing agencies to request Development Order amendments.

If a variance greater than that identified above is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, will be based upon results of the monitoring program and agreements reached at another transportation methodology



meeting to be held prior to the preparation of the new analysis.

- B. (5) Manatee County shall reserve the right to initiate procedures to identify and reserve right-of-way within the project site for future mass transit and roadway improvement needs, in accordance with legally mandated procedures and timeframes. This condition may not be implemented if not in accordance with applicable law.
- B. (6) The Developer\* or its assigns shall prepare and implement a Transportation Systems Management ("TSM") program which will divert a number of vehicle trips from the PM peak hour. The TSM program shall be submitted to and reviewed by the County, the MPO and the FDOT. The TSM program shall be submitted upon issuance of Certificate of Occupancy for 500 single family residential units (or the equivalent thereof in terms of trip generation) constructed after issuance of the Development Order for the University Commons DRI.

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of implementation of each TSM measure. Results of the TSM program shall be included in the Annual Report. The results of the TSM program may serve as a basis for the Developer\* or reviewing agencies to request Development Order amendments. The TSM program shall seek to further the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

Policy: Promote ridesharing by public and private section employees.

OBJECTIVES:

- Increase urban area peak hour automobile occupancy rates by 10 percent by 1995 through expanded ridesharing efforts.
- Increase peak hour occupancy rates for transit and other high occupancy vehicles by 20 percent by 1995.

- B. (7) Commencement of Phase II of the Development\* is subject to a determination by Manatee County that transportation capacity needed to serve Phase II is or will be adequate to meet the transportation impact of Phase II when such impact occurs. Such determination shall be made in accordance with the current Manatee County and/or Sarasota County concurrency requirements, or those which are in effect at the time of the Developer's\* application for Certificate of Level of Service, whichever is more stringent, as well as the requirements of Chapter 380, Florida Statutes, pertaining to the analysis of transportation impacts. Sarasota County shall have the right to review and approve such Phase II transportation analysis as it pertains to the transportation impacts on Sarasota County. In the event that transportation capacity is only available for a portion of Phase II, development of such portion may proceed, with development of the balance of Phase II being subject to future determinations as to transportation capacity availability.
- B. (8) The Developer\* shall dedicate 25' as County road right-of-way from their western property line to Tuttle Avenue at the northern property line of the western parcel above the area marked "Skilled Nursing/Personal Care" on the University Commons Master Plan.

Lands and Soils

- C.(1) The Developer\* shall test on-site soils for the presence of hazardous agricultural substances/waste, pursuant to Chapter 17-730, F.A.C., prior to the commencement of land development activities in the area(s) to be developed. Contaminated soils shall be removed and disposed of properly, and the agricultural exemptions in Chapter 17-730, F.A.C., shall not apply.
- C. (2) The soil conservation measures referenced on Pages 14-and 14-3 of the ADA\* shall be required.

Wetlands:

- D.(1) All existing jurisdictional wetlands to remain on-site or wetlands created on-site to mitigate impacts to existing jurisdictional wetlands shall be treated as conservation areas, pursuant to policy 10.1.2, FRCRPP, and impacts thereto shall be minimized.
- D. (2) The Developer\* shall mitigate all unavoidable impacts to jurisdictional wetlands at a minimum ratio of 2:1 for herbaceous wetlands and 4:1 for forested wetlands unless those ratios are reduced in accordance with the requirements of the Manatee County Comprehensive Plan, but in no instance shall said ratio be reduced below 1.15:1. The wetland mitigation area shall be in addition to any littoral planting required to meet SWFWMD surface water management requirements, but such mitigation area may be located adjacent to, or incorporated into, such littoral zones provided the total acreage is the sum of mitigated and required littoral acreage.
- D. (3) All mitigation areas and littoral shelves shall be monitored for species diversity, composition, spreading (regeneration) and exotic species encroachment. Additional planting shall be accomplished as necessary to maintain an 85 percent survival/cover of herbaceous wetland communities at the end of three (3) years and an 85 percent survival/cover of forested wetland communities at the end of five (5) years. Wetland mitigation security shall be required in accordance with applicable County ordinances.
- D.(4) No development activities shall be permitted within regional, state or federal jurisdictional wetlands unless such activities are permitted by the permitting agency or agencies with jurisdiction, and are in accordance with the goals, objectives and policies of The Manatee County Comprehensive Plan.
- D.(5) A thirty foot (30') or fifty foot (50') buffer zone, as required by the Comprehensive Plan, shall be established adjacent to Post-Development Wetlands\*. All such wetland buffer areas shall be required to be dedicated to the County in a conservation easement, and shown on any Preliminary and Final Site Plans and subdivision plats containing land with wetland buffer areas. Each Development\* phase, or subphase shall include deed restrictions that prohibit development activity and removal of native vegetation within the buffer unless approved by the County and any permitting agency or agencies with jurisdiction. This restriction shall not apply to the landscaping-related activities necessary to maintain wetland buffer areas located adjacent to the golf course, so long as no development activities or removal of viable native vegetation occurs.
- D. (6) Xeriscape site design concepts shall be used in landscaping areas.

Vegetation and Wildlife

- E. (1) In the event that any species listed in Rules 39-27.003

through 39-27.005, F.A.C., are observed frequenting the site for nesting, feeding, or breeding, proper protection/mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission ("FGFWFC"), the Environmental Action Commission ("EAC"), and the Department of Community Affairs. This shall include, at a minimum, a wildlife management plan which contains information on impacts to listed species, site maintenance, fire frequency, wetland management and boundary protection. In the event a wildlife management plan is required pursuant to this condition, it shall be adopted as an amendment to this Development Order.

- E. (2) Areas of the Development\* which meet the conservation definition set forth in TBRPC policy 10.1.2, FRCRPP, shall be designated as such on the Development's\* Master Plan known as Map H attached as Attachment #3.
- E. (3) The approximately 7.6 acre mixed hardwood/pine community habitat located on the north side of the University Commons site shall be preserved intact through incorporation into the golf course or a passive park, or mitigated in accordance with FGFWFC policies and approved by the County and the EAC.

#### Historical and Archaeological Sites

- F.(1) Any historical or archaeological resources discovered during development shall be immediately reported to the Florida Department of State, Division of Historical Resources, ("Division of Historical Resources"), and treatment of such resources shall be determined by the Division of Historical Resources, in cooperation with TBRPC, and Manatee County. Archaeological test excavations by a professional archaeologist shall be conducted on each such site to provide sufficient data to make a determination of significance prior to further disturbing activities in that area of the site. The final determination of significance shall be made by the Division of Historical Resources, in cooperation with TBRPC and the County. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Division of Historical Resources) must be completed before resource-disturbing activities in that area of the site are allowed to continue.
- F.(2) A description of compliance with F.(1) above, shall be included in each Annual Report. A copy of the description of compliance shall be submitted to the Division of Historical Resources. Non-compliance with Condition F.(1) shall require a Substantial Deviation determination.

#### Water Quality and Drainage:

- G.(1) Prior to the issuance of any further development permits for construction, the Master Drainage Plan\* for the Development\* shall be submitted to the FDER, the Southwest Florida Water Management District (SWFWMD) and the TBRPC for review and to the County and the EAC for approval. The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of Chapters 17-25, and 40D-4, F.A.C., to provide retention, or detention with filtration/assimilation treatment for the site during the 25 - year, 24-hour design storm, and such that maximum post-development flows do not exceed pre-development flows for the same design storm. Future flows to the Pearce drain shall not be increased beyond the capacity (55 cfs) of the existing 48-inch pipe during a 25-year, 24 hour design storm, unless the Developer\* demonstrates that higher flows can be accommodated by the Pearce drainage system without causing flooding problems within the system. Stormwater management plans for any portion of the site planned to drain south to the Phillippi Creek Main BA watershed shall be provided to the Stormwater Division of the Sarasota County Transportation Department for comment prior to approval by the County.

- G.(2) Best Management Practices\* (BMP\*) for reducing water quality impacts, as recommended by the FDER and the SWFWMD in accordance with adopted regulations of those agencies, shall be implemented and include a street cleaning program for parking and roadway areas within the Development\*.
- G.(3) Surface water and groundwater quality shall be assured through the implementation of a Surface/Groundwater Monitoring Program, with appropriate sampling frequencies, in compliance with both the federal Environmental Protection Agency ("EPA") and the FDER's quality control standards. This program shall be instituted before groundbreaking takes place, in order to obtain baseline conditions, and continue through project build-out. The Surface/Groundwater Monitoring Program shall include the following as a minimum:
- (a) The purpose of the sampling program shall be to determine existing background water quality conditions and the effects of the proposed Development\* on water quality.
  - (b) Water quality samples and flow measurements shall be collected prior to commencement of construction, at least four times annually for one year, and two times (wet and dry seasons) thereafter, through four years past the date of issuance of the last Certificate of Occupancy for the Development\*.
  - (c) Adequate water quality parameters and sampling shall be selected to assist in making an accurate determination of water quality conditions, change in water quality and the possible sources of contamination if such contamination is discovered. The program shall provide procedures for clean-up, retrofitting or other steps to resolve identified on-site problems if applicable state or federal water quality standards are exceeded.
  - (d) The proposed Surface/Groundwater Monitoring Program shall be submitted for approval to the SWFWMD, the County and the EAC. Collected data shall be furnished to the County, the EAC, and the SWFWMD as part of the Annual Report. Data shall be furnished immediately if problems are identified.
- G.(4) Pursuant to Rule 17-28.700, F.A.C., no discharges to groundwater shall be permitted on-site.
- G.(5) The Developer\*, or its designee, shall be responsible for maintaining the stormwater management system. The maintenance schedule for insuring proper water quality treatment shall be submitted to the TBRPC, SWFWMD, and the FDER for review, and to the County and the EAC for approval, during the permitting process.
- G.(6) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands outside the FDER jurisdiction. Mitigative measures may be acceptable to replace removed wetlands.

Hazardous Waste:

- H.(1) Within one year of the effective date of this Development Order, or prior to issuance of any building permits for the Development\*, whichever occurs later, the Developer\* shall prepare a hazardous substances (including biohazardous waste) and a hazardous waste management plan which shall be reviewed and approved by the County, the EAC, the FDER and the TBRPC, and then distributed by the Developer\* to residential and non-residential land users within the DRI. At a minimum, the plan shall:
- o advise of the applicable statutes and agency rules regulating hazardous wastes and substances;

- o indicate the types, sources and volumes of waste and substances that are considered under the applicable statutes and agency rules to be hazardous and which must be stored or disposed of in specially designated containers;
  - o describe generally improper disposal methods;
  - o describe generally appropriate disposal methods;
  - o provide a list of agencies which can be consulted regarding the proper handling and disposal of hazardous substances;
  - o describe a program to inform owners and tenants of the information contained in the plan;
  - o describe construction requirements for hazardous waste storage areas;
  - o describe typical spill cleanup methods; and
  - o be updated and distributed to each non-residential tenant annually.
- H. (2) All University Commons tenants that generate hazardous waste should be required to utilize waste exchanges and other appropriate recycling methods to the extent possible and feasible. A report of such use shall be included in each Annual Report.
- H. (3) The Developer\*, in cooperation with the tenant businesses within the Development\* shall develop an ongoing survey which will locate and catalog those tenant businesses where hazardous substances and wastes are generated, stored, or handled, and keep a record of the disposition of those substances and wastes. The results of this survey shall be included in the Annual Report.
- H. (4) No on-site incineration of biohazardous waste shall be permitted unless approved by the County, the EAC, and any state or federal agency or agencies with jurisdiction.

Energy:

- I. (1) Adequate electrical service is available to serve the Development\*. Electrical service will be provided by Florida Power & Light Corporation.
- I. (2) All tenants, businesses, residents, etc. of the Development\* shall be notified in writing upon occupancy that the following energy-related practices are encouraged:
- o use energy alternatives, such as solar energy, resource recovery, and waste heat recovery and cogeneration, where economically feasible;
  - o obtain energy audits provided by energy companies or other qualified agencies;
  - o install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
  - o use landscaping and building orientation to reduce heat gain, where feasible, for all University Commons construction;
  - o promote energy conservation by employees, buyers, suppliers and the public, as appropriate;
  - o reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;

- o institute and utilize recycling programs;
- o utilize energy efficient packaging and/or recyclable materials; and
- o install total energy systems on large facilities when cost effective.

Housing:

- J.(1) The Developer\* shall provide, on an as-needed basis, living units (with a varying number of bedrooms) which are accessible to, and adapted for use by, the handicapped.
- J.(2) It is strongly encouraged that the Developer\*, in its marketing efforts, promote a broad range of services to meet the needs of the project's anticipated mix of retired residents.
- J.(3) The Developer\* has completed a Chapter 380, Florida Statutes, affordable housing analysis which demonstrated that any need for affordable housing generated by the Development\* is more than offset by the availability of affordable housing within the transportation impact study area of the Development\*. The Affordable Housing Study was reviewed and approved by the DCA, but with the understanding that the Developer\* will, prior to commencing development of Phase II, reassess the supply of affordable housing in the Development's\* Transportation Impact Area\* in accordance with the DCA's methodology and any applicable Manatee County methodology in effect at that time.
- J.(4) One hundred percent of the residential component of the Development\* shall be housing for older persons as defined in Section 760.29(4), Florida Statutes.

Economics:

- K.(1) Excess infrastructure capacity constructed by the Developer\* to potentially serve Phase II of the Development\* shall be at the Developer's\* risk and shall not constitute a basis for vested development rights for Phase II.
- K.(2) The Development\* shall promote entrepreneurship and small and minority-owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to Chapter 187, Florida Statutes, and the FRCRPP.

Wastewater:

- L.(1) The County has determined that there exists adequate wastewater capacity to accommodate the impacts of Phase I of the Development\* and that said capacity is being reserved for a period of five (5) years from the effective date of this Development Order. This determination and reservation of capacity satisfies all of the underlying requirements for issuance of a Certificate or Certificates of Level of Service Compliance for Phase I, or any subphase thereof, which Certificate or Certificates will be issued by the County upon the filing of an application by the Developer\*. Commencement of Phase II of the Development\*, or any subphase thereof, is subject to a determination by the County that there exists adequate wastewater capacity to accommodate the impacts of Phase II, or the subphase thereof to be developed. Such Phase II determinations shall be made in accordance with the current Manatee County concurrency requirements, or those in effect at the time of the Developer's\* application for a Certificate of Level of Service Compliance, whichever is more stringent. In the event that wastewater capacity is only available for a portion of Phase II, development of such portion may proceed, with development of the balance of Phase II being subject to future determinations as to wastewater capacity availability.

- L. (2) Wastewater service to each phase or subphase of the Development\* shall be provided by the County utilizing a Regional Wastewater Treatment Plant owned and operated by the County. In the event that wastewater treatment or disposal capacity is not available as needed to serve the Development\*, or a phase or subphase thereof, the Developer\*, prior to the commencement of said phase or subphase thereof, shall participate, in accordance with applicable County ordinances, in the treatment plant expansion and the ultimate disposal of wastewater generated by the Development\*, or a phase or subphase thereof. No septic system(s) shall be permitted within the Development\*.
- L. (3) Sewer lift stations shall be designed using the best engineering practices and submitted to the County for review and approval. Several means of backup shall be provided to ensure against equipment failure and discharge of wastewater to the environment. These back-up devices shall consist of the following:
- (a) Lift stations with 35 HP (or less) motors shall have an auxiliary generator receptacle on the panel box.
  - (b) Stations with greater than 35 HP motors shall include an on-site stationary generator set with remote transfer capability.
  - (c) Wet wells to contain sewage line surcharges/overflows.
  - (d) Emergency by-pass pumpouts for tank trucks.
  - (e) 100 percent redundancy in lift station pumping equipment.
- The Developer\*, at its option, may exceed these requirements.
- L. (4) The Developer\* shall, prior to the first Final Site Plan approval, prepare and submit to the County, a plan to monitor on-site sanitary sewer lines for leaks or ruptures of the sewer lines which are maintained by the Developer\*. The plan must be approved by the County, designate the entity(ies) to be responsible for the monitoring, and provide a time schedule which outlines the dates or frequency of monitoring. Faulty lines shall be replaced as quickly as possible. A report of inspections, results and repairs shall be included in the Annual Report.
- L. (5) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 91-39) (See Attachment #4).
- L. (6) The Developer\* shall not utilize on-site wastewater treatment.
- L. (7) Prior to any submittals by the applicant to the Manatee County Development Review Committee, the applicant shall provide a conceptual master plan for sanitary sewer for approval by the Planning, Permitting and Inspections Department. The sanitary sewer conceptual master plan shall show the extent of the sewer lines that shall be provided to serve the Development\*, including all source/discharge points. The plan shall also show all off-site sewer facilities that are required to be extended for this Development\* along with stub-outs for unserved land holdings.

Water:

- M. (1) The County has determined that there exists adequate potable water capacity to accommodate the impacts of Phase I of the Development\* and that said capacity is being reserved for a period of five (5) years from the effective date of this Development Order. This determination and reservation of capacity satisfies all of the underlying requirements for issuance of a Certificate or Certificates of Level of Service

Compliance for Phase I, or any subphase thereof, which Certificate or Certificates will be issued by the County upon the filing of an application by the Developer\*. Commencement of Phase II of the Development\*, or any subphase thereof, is subject to a determination by the County that there exists adequate potable water capacity to accommodate the impacts of Phase II, or the subphase thereof to be developed. Such Phase II determinations shall be made in accordance with the current Manatee County concurrency requirements, or those in effect at the time of the Developer's\* application for a Certificate of Level of Service Compliance, whichever is more stringent. In the event that potable water capacity is only available for a portion of Phase II, development of such portion may proceed, with development of the balance of Phase II being subject to future determinations as to potable water capacity availability.

- M. (2) The Developer\* shall be responsible for the maintenance and operation of any on-site wells. These wells shall be operated in accordance with the SWFWMD rules and regulations.
- M. (3) The water conservation fixtures and measures referenced in the ADA\* shall be required. Water saving devices shall be installed in accordance with the Florida Water Conservation Act, Section 553.14, Florida Statutes.
- M. (4) The Developer\* shall maintain all water lines and fire hydrants not dedicated to the County.
- M. (5) The Developer\* shall, to the extent nonpotable water is available, use only nonpotable water to meet nonpotable water demands. For purposes of this Development Order, "nonpotable" water is defined as water emanating from any source other than a public water utility. The Developer\* shall submit an acceptable plan to Manatee County and the TBRPC for the use of nonpotable water on-site. The plan shall be completed prior to the issuance of any further land development permits, and shall include an implementation timetable, as well as a determination of the availability and feasibility of using on-site wells, reclaimed wastewater or stormwater retention ponds for irrigation purposes.
- M. (6) Adequate fire flow and water pressure to serve every building for which fire protection is required shall be maintained within the Development's\* water supply system. "Adequate" for this condition shall mean the most restrictive applicable regulations of the Manatee County Comprehensive Plan, or any other mandatory regulations of any federal, state or local agency with jurisdiction over this Development\*.
- M. (7) The Developer\* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources in the Eastern Tampa Bay Water Use Caution Area.
- M. (8) Prior to any submittals by the applicant to the Manatee County Development Review Committee, the applicant shall provide a conceptual master plan for water and fire protection for approval by the Planning, Permitting and Inspections Department. The water and fire protection conceptual master plan shall show the extent of the water lines that shall be provided to serve the Development\* including all source/discharge points. The water line shall be looped to provide an adequate source of water to the Development\*. Water lines and fire protection shall be specified on the plans as per the requirements of the Comprehensive Plan, and the Fire Marshall, and the Planning, Permitting and Inspections Department:
  - (a) The land use and dwelling units per gross acre shall be provided as necessary for residential use.
  - (b) Corresponding with the land uses, fire flow rates in gallons per minute shall be provided as specified by the



Comprehensive Plan and the Fire Marshall.

- (c) At time of development, it shall be the applicant's responsibility to provide these minimum fireflow needs.

Solid Waste

- N.(1) The County has determined that there exists adequate solid waste capacity to accommodate the impacts of Phase I of the Development\* and that said capacity is being reserved for a period of five (5) years from the effective date of this Development Order. This determination and reservation of capacity satisfies all of the underlying requirements for issuance of a Certificate or Certificates of Level of Service Compliance for Phase I, or any subphase thereof, which Certificate or Certificates will be issued by the County upon the filing of an application by the Developer\*. Commencement of Phase II of the Development\*, or any subphase thereof, is subject to a determination by the County that there exists adequate solid waste capacity to accommodate the impacts of Phase II, or the subphase thereof to be developed. Such Phase II determinations shall be made in accordance with the current Manatee County concurrency requirements, or those in effect at the time of the Developer's\* application for a Certificate of Level of Service Compliance, whichever is more stringent. In the event that solid waste capacity is only available for a portion of Phase II, development of such portion may proceed, with development of the balance of Phase II being subject to future determinations as to solid waste capacity availability.
- N.(2) The applicant will investigate appropriate recycling efforts both during and after construction and report on this in each Annual Report.
- N.(3) It is strongly suggested that the applicant investigate the possibilities associated with the mulching of the trees and brush that will be removed as land clearing operations commence. The mulch could then be retained on site to meet the Developer's\* needs for landscaping and cover material during construction.

Education

- O.(1) The Developer\* shall comply with an impact fee ordinance for education system improvements, if and when the Manatee County School Board adopts such an ordinance.

Recreation and Open Space

- P.(1) All on site recreation and open space areas not dedicated to the County or any other agency or agencies shall be maintained by the Developer\*.
- P.(2) The Developer\* shall comply with The Manatee County Comprehensive Plan with respect to provisions concerning parks or park sites. Designated recreation and open space areas shall not be changed from such uses unless approved by the County, in accordance with the Comprehensive Plan and the Land Development Code.
- P.(3) The recreation and open space components of the Development\* shall be designated on the Preliminary and Final Site Plans in accordance with The Manatee County Land Development Code.
- P.(4) Recreation and open space areas shall be designed with due regard to both golfers and nongolfers. A passive recreational oriented open space area shall be provided for the nongolfing residents of the Development\*. The area shall be at least two acres in size, provided prior to the commencement of Phase II, and located to provide easy access to guests/residents of the Development\*.

Police, Fire and Health Care

- Q.(1) Emergency medical services and fire protection will be provided by Manatee County and/or the Southern Manatee Fire and Rescue District. The Developer\* shall be responsible for contributing a pro rata share of the cost of land acquisition, construction and equipping of emergency service facilities for fire and emergency medical services or any combination thereof. The Developer\* may, with the concurrence of the County and fire district, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County and fire district or payment of impact fees, if applicable. An agreement as to pro rata share, mutually acceptable to the County, fire district and the Developer\*, shall be reached prior to the issuance of permits for Vertical Development\* for Phase I. The pro rata share shall not exceed the total sum of impact fees anticipated from the Development\* and any pro rata lump sum payment shall be creditable against the payment of impact fees in accordance with applicable law.
- Q.(2) The Manatee County Sheriff's Office shall provide typical police protection to each phase or subphase of the Development\*. The Developer\* shall participate, in accordance with applicable County Ordinances, in any expansion of such services necessary to serve the Development\* or any phase or subphase thereof.
- Q.(3) The Development\* shall be designed and constructed to meet or exceed applicable provisions of the State Fire Code - Rule 4A-3.012., F.A.C.
- Q.(4) The commitments of the Developer\* as discussed in the ADA\* regarding health care for residents, shall be specifically required.

Air

- R.(1) Commencement of Phase II of the Development\* is subject to the determination by the County, using current FDER guidelines or those adopted by the FDER, whichever are more restrictive, that any significantly adverse air quality impacts caused by Phase II, or any subphase thereof, will be mitigated prior to Vertical Development\* of Phase II, or the development of any subphase thereof.
- R.(2) The Developer\* shall implement the fugitive dust abatement procedures and air emissions control measures set forth on pages 13.1, 14.2 and 14.3 of the ADA\*.

Floodplains/Disaster Preparedness

- S.(1) In order to minimize potential property damage from flooding, all elevations for habitable structures shall be at or above the base flood elevation and in accordance with local, state and federal requirements.
- S.(2) In the event that the proposed hospital is constructed, that facility shall coordinate with other area hospitals which are vulnerable to flooding and that would be required to evacuate. This coordination would include the possibility of being a partial "host facility" in the temporary sheltering and assistance of patients that would require evacuation. (Assistance regarding this matter should be obtained and coordinated through the Chief of the Manatee County Chapter of the American Red Cross.)

General Conditions

- T.(1) In the event that a Regional Activity Center is designated which would be applicable to the area in which the Development\* is located, then the provisions governing developments within Regional Activity Centers shall, at the

option of the Developer\*, apply without the requirement for an amendment to this Development Order. Provided, however, that such designation shall not operate to reduce the requirements of this Development Order below applicable, adopted rules of the TBRPC and the DCA.

- T. (2) The Developer\*, its successors, assigns and/or transferees, shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statutes, to Manatee County and the TBRPC, the State Land Planning Agency and other agencies, as may be appropriate, on the anniversary of the execution date of this Development Order and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of the Manatee County Planning, Permitting and Inspections Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Planning Director decide further Orders and Conditions are necessary. The Developer\* shall be notified of any Board of County Commissioners hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification or change of any conditions, or any terms or conditions of this Development Order. The Annual Report shall contain the following:
- a. Any changes in the plan of development, or in the representation contained in the ADA\*, or in the phasing for the reporting year and for the next year;
  - b. A summary comparison of development activity proposed and actually conducted for the year;
  - c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;
  - d. Identification and intended use of lands purchased, leased or optioned by the Developer\* adjacent to the original DRI site since the Development Order was issued;
  - e. An assessment of the Developer's\* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the Application for Development Approval\* and which have been identified by the County, the TBRPC or the DCA and being significant;
  - f. Any known incremental DRI Applications for Development Approval\* or requests for a Substantial Deviation determination that were filed in the reporting year and to be filed during the next year;
  - g. An indication of a change, if any, in local government jurisdiction for any portion of the Development\* since the Development Order was issued;
  - h. A list of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;
  - i. A copy of any recorded Notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer\* pursuant to Subsection 380.06(14)(d), Florida Statutes;
  - j. A statement that all persons have been sent copies of the Annual Report in conformance with Subsections 380.06(15) and (18), Florida Statutes;

- k. A statement of the number of school age children residing within the Development\*;
- l. A list of the entry ages of the residents moving into the Development\* within the recording period;
- m. Information on the actual prices and rents of housing units constructed relative to the then current Department of Housing and Urban Development (HUD) affordable housing guidelines;
- n. Reports and/or information pursuant to conditions B.(4), B.(6), F.(2), G.(3)(d.), H.(2), H.(3), L.(4) and N.(2) of this Section 5.

T.(3) The Manatee County Planning Director, or an authorized designee, shall be responsible for monitoring the Development\* and ensuring its compliance with this Development Order. The data necessary for monitoring the Development\* shall be generated by building permits, certificates of occupancy, the Annual Report and on-site observations. The enforcement of the terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.

T.(4) The Developer\* has elected, pursuant to Section 380.06(5)(c), Florida Statutes, to be bound by the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the time that this Development Order is issued. Accordingly, to the extent the provisions of Section 380.06(5)(c), Florida Statutes, affect the determination as to which rules promulgated pursuant to these statutes are applicable to the Development\*, said election shall apply, notwithstanding any provision in this Development Order to the contrary.

T.(5) Phase I of the Development\* is specifically approved subject to the conditions found within the Development Order, and Phase II is conceptually approved subject to a determination by Manatee County that any significantly adverse air quality impacts caused by Phase II or any subphase thereof will be mitigated prior to vertical development of Phase II, or any subphase thereof, and that transportation, wastewater, water, mass transit, parks and recreation facilities, drainage and solid waste capacity needed to serve Phase II is or will be adequate to meet such impacts of Phase II when such impacts occur. The determination as to the adequacy of wastewater, water, mass transit, parks and recreation facilities, drainage and solid waste capacity for Phase II shall be made in accordance with the current Manatee County concurrency requirements or those which are in effect at the time of application for a Certificate of Level of Service, whichever is more stringent. The determination as to the adequacy of transportation capacity for Phase II shall be made in accordance with the current Manatee County and/or Sarasota County concurrency requirements, or those which are in effect at the time of application for a Certificate of Level of Service, whichever is more stringent, as well as the requirements of Chapter 380, Florida Statutes, pertaining to the analysis of transportation impacts. Sarasota County shall have the right to review such Phase II transportation analysis as it pertains to the transportation impact on Sarasota County. In the event that transportation, wastewater, water, mass transit, parks and recreation facilities, drainage and solid waste capacity is only available for a portion of Phase II, development of such portion may proceed, with development of the balance of Phase II being subject to future determinations as to such capacity availability.

This approval shall prohibit construction of the Hospital unless and until the Developer\* applies for and is granted a Comprehensive Plan Amendment for the hospital site, changing the Future Land Use Map ("FLUM") to Public/SemiPublic (2)

Future Land Use Category, or such other land use designation which would allow the hospital as it is proposed and as it has been reviewed as part of this Application. If the Developer\* obtains the said amendment to the Comprehensive Plan, the hospital shall not require an amendment to the DRI Development Order or Map H. The Development\* shall be constructed in accordance with the land use components and phase schedules approved in the DRI Development Order.

Exchanges of approved land uses may be made within the project and/or each phase in accordance with the approved development order for University Commons DRI (Ordinance 92-31) if said development order allows exchanges in land uses in phases. Any exchanges in land use must comply with the Comprehensive Plan, including the limitations of each future land use category. Any such exchange shall require an amendment to the general development plan and a public hearing by the County to determine if the modification is in compliance with the planned development criteria unless the modification is of such type that administrative approval by the Director of Planning, Permitting and Inspections is authorized by the Land Development Code. The amended general development plan shall describe the proposed exchange, as well as provide a history of all previous exchanges in addition to any other required information. The developer must also apply for a modification to the Certificate of Level of Service and will be granted approval, only if and when capacity is available.

#### Design

- U. (1) The Preliminary and Final Site Plans for the Hotel and Business Center/Medical Center portions of the development, shall include earthen berms a minimum of three feet (3') in height and shall be planted with trees and understory vegetation to provide a visual buffer between these land uses and University Parkway. The earthen berm shall be located adjacent to University Parkway. An aesthetically equal or superior alternative can be approved by the Director of the Planning, Permitting and Inspections Department.
- U. (2) The Hotel and Business Center shall be oriented so that a building front or front facade faces University Parkway. The Director of the Planning, Permitting and Inspections Department shall have the authority to approve an alternative design which is aesthetically equal to or superior to this requirement.
- U. (3) The Hotel and Business Center shall be designed to position parking areas on the north side to avoid visibility of these areas from University Parkway. The Director of the Planning, Permitting and Inspections Department shall have the authority to approve an alternative design which is aesthetically equal to or superior to this requirement.
- U. (4) Dumpsters and/or compactors shall not be located in front of any building, and these units shall meet all setback requirements. These units shall not be visible from any collector or arterial facility. Specific locational approval for these units shall be during Preliminary and Final Site Plan stage.
- U. (5) The Developer shall create a negative easement along Tuttle Avenue, Lockwood Ridge Road and University Parkway to prevent vehicular access, except for access permitted as part of a Preliminary or Final Site Plan approval for each phase, which shall be consistent with the General Development Plan.
- U. (6) A master pedestrian/bike path plan shall be submitted for review and approval with each phase. The pedestrian and bike paths shall provide linkages between the various land uses within this site as well as provide for linkage to existing or future external systems.

- U.(7) A pre-design conference will be required prior to submittal of Construction Drawings to discuss points of connection for water and wastewater service and the configuration of the water and sanitary sewer systems.
- U.(8) The engineer of record shall be responsible for determining if upgrading of offsite facilities are necessary prior to construction plan submittal for potable water, sanitary sewer or fire protection. Oversizing of facilities may be necessary with possible participation by Manatee County.
- U.(9) The golf course shall not be developed in any manner inconsistent with this application unless and until the General Development Plan is amended by the Board of County Commissioners in a public hearing. Any amendment to this land use must be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code.
- U.(10) The land uses approved on this site are limited as described on the general development plan and within the DRI development order (Ord 92-31).
- U.(11) The existing mature tree stands (exclusive of citrus trees) located adjacent to the northern property boundary of the eastern parcel will be incorporated to the maximum extent possible in the landscape buffer to provide additional buffering beyond that required by the Manatee County Land Development Code.
- U.(12) The following minimum setbacks and maximum heights shall apply to the land uses within this development.

Land Use	Front	Side	Rear	Height
Retirement Dwelling Units	25'	10'	25'	2 stories
Independent Living Facility	30' <sup>1</sup>	20' <sup>1</sup>	30'	6 stories <sup>1,2</sup>
Personal Care Facility	45'	60'	60'	3 stories
Skilled Nursing Facility	45'	60'	60'	3 stories
Hotel	40', <sup>1,3</sup>	20' <sup>1</sup>	25' <sup>1</sup>	7 stories <sup>1,2</sup>
Outpatient Facility	40', <sup>3</sup>	20'	25'	3 stories
Commercial	40', <sup>3</sup>	20'	25'	3 stories
Office	40', <sup>3</sup>	20'	25'	3 stories
Office Showroom	40', <sup>3</sup>	20'	25'	3 stories
Golf Course Structures	50', <sup>4</sup>	50', <sup>4</sup>	50', <sup>4</sup>	2 stories

<sup>1</sup> Buildings in excess of 4 stories, inclusive of parking levels, shall be set back a minimum of 200 feet from all external property boundaries.

<sup>2</sup> Inclusive of parking.

<sup>3</sup> Fifty foot front setback required from any local street.

<sup>4</sup> Maintenance facilities and associated material and vehicular storage areas shall maintain a 200 foot setback from all adjacent residentially zoned properties.

- U.(13) The floor area ratio shall not exceed .35 in any instance, nor shall the gross density exceed 9 dwelling units per acre.
- U.(14) Kitchens are not allowed as part of the individual living units in the personal care facilities, however, each of these living units may contain a compact refrigerator, sink and microwave oven.
- U.(15) Unless otherwise expressly stated in this ordinance or the Development Order of the DRI, the Developer\* shall comply with all future amendments to the Land Development Code and the Comprehensive Plan.

- U.(16) The Developer\* and Manatee County shall begin negotiations leading to an agreement regarding the realignment of Tuttle Avenue, consistent with the Letter of Intent presented to the Board of County Commissioners, within 30 days of the approval date of this ordinance.

Section 3. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County, Ordinance No. 90-01, the Manatee County Land Development Code, is hereby amended by changing the zoning district classification of the property identified in Section 4 herein from A-1 (Suburban Agricultural, 1 du/acre) and A-1/ST (Suburban Agricultural, 1 du/acre, Special Treatment Overlay District) to PD/MU (Planned Development/Mixed Use), and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning, Permitting and Inspections Department, are hereby instructed to cause such amendment to the said Official Zoning Atlas.

Section 4. LEGAL DESCRIPTION.

See Attachment #5.

Section 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon the receipt of the official acknowledgment from the Office of the Secretary of State, State of Florida, that same has been filed with that office.

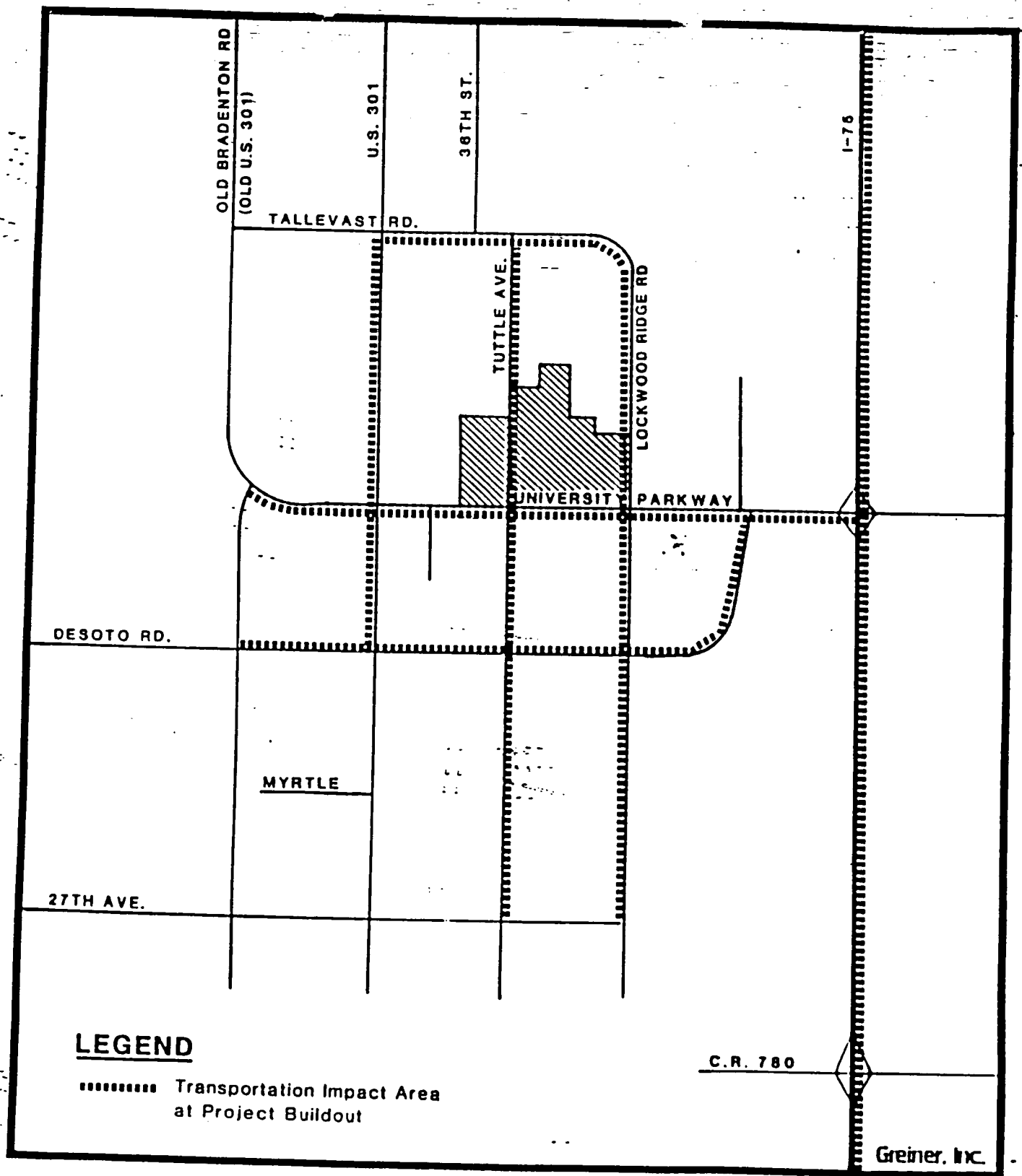
PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 3rd day of June, 1992.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: Edward W. Chance  
First Vice-Chairman

ATTEST: R. B. SHORE  
Clerk of the Circuit Court

BY: [Signature]  
[Signature]  
[Signature]



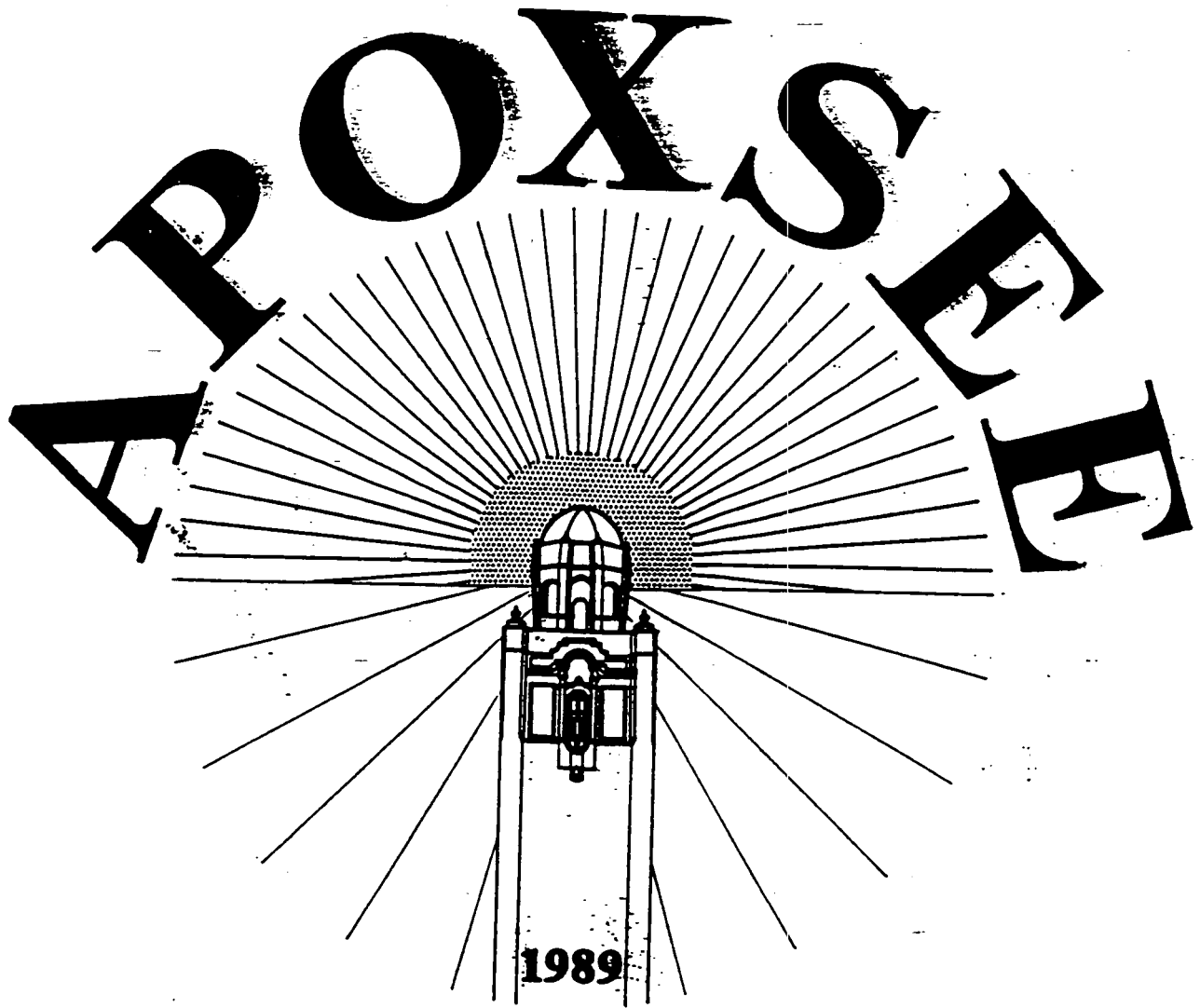
# **UNIVERSITY COMMONS** **TRANSPORTATION IMPACT AREA**

MAP J





#1



# **THE REVISED AND UPDATED SARASOTA COUNTY COMPREHENSIVE PLAN**

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DEPARTMENT OF THE ARMY  
OFFICE OF THE ADJUTANT GENERAL  
WASHINGTON, D.C.

ATTENTION: ADJUTANT GENERAL

MAIL ROOM

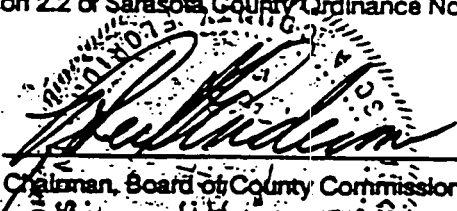
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# APOXSEE

## The Revised And Updated Sarasota County Comprehensive Plan

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This is to certify that this is the official copy of "Apoxsee, the Revised and Updated Sarasota County Comprehensive Plan" referred to in Section 2.2 of Sarasota County Ordinance No. 89-18.



Chairman, Board of County Commissioners  
Sarasota County, Florida

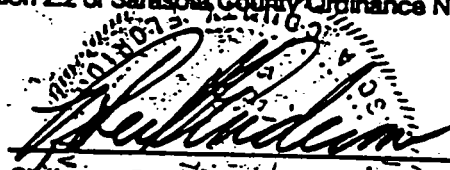
*Compiled by the Sarasota County Planning Department under the direction of the  
Sarasota County Board of County Commissioners and the Sarasota County Planning  
Commission*

# APOXSEE

## The Revised And Updated Sarasota County Comprehensive Plan

---

This is to certify that this is the official copy of "Apoxsee, the Revised and Updated Sarasota County Comprehensive Plan" referred to in Section 2.2 of Sarasota County Ordinance No. 89-18.

  
Chairman, Board of County Commissioners  
Sarasota County, Florida

Compiled by the Sarasota County Planning Department under the direction of the  
Sarasota County Board of County Commissioners and the Sarasota County Planning  
Commission

# DEDICATION

"Apoxsee, the Revised and Updated Sarasota County Comprehensive Plan" is dedicated to the memory of:

**T. Mabry Carlton, Jr.**

*Sarasota County Planning Commission, 1973 - 1980*

*Sarasota County Board of County Commissioners, District 3, 1980 - 1989*

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Comprehensive Plan*

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Comprehensive Plan*

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Jim Greenwald, Vice-Chairman, District 2

Charley Richards, District 1

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***Sarasota County Planning Department***

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**Dennis B. Wilkison, AICP, Deputy Planning Director**

**Long Range Planning Division**

**Rick Drummond, Chief Planner**

**Crystal Alfred, Planner**

**Brian Beatty, Planner**

**Evangeline Diakia, Planner**

**Timothy K. Tilton, AICP, Planner**

**Sarah Blanchard, Associate Planner**

**Pamela Marlowe-Greene, Associate Planner**

**Current Planning Division**

**Louann Confer, AICP, Chief Planner**

**Alan Garrett, Senior Planner**

**Tate Taylor, Planner**

**Shelley Hamilton, Associate Planner**

**Robert Lincoln, Associate Planner**

**Development Review Division**

**James A. Paulmann, AICP, Chief Planner**

**Dana Pumphrey, Senior Planner**

**Anna Jall, Planner**

**Brian Lichterman, AICP, Planner**

**Anne McClung, Planner**

**Steve Cromer, Associate Planner**

**Tom Polk, Associate Planner**

**Ann Sheller, Associate Planner**

**Administrative Division**

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**Karl Rhyme, Graphics Supervisor**

**Cindy Clark, Staff Assistant**

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**Susan McCue, Staff Assistant**

**Agnes Munshower, Senior Staff Assistant**

**Frances L. Powers, Senior Staff Assistant**

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**Leigh Tharp, Staff Assistant**

**H.M. (Chuck) Place III, AICP, Chief Planner (City of Venice)**

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Comprehensive Plan***

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ORDINANCE NO. 89-18

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, RELATING TO COMPREHENSIVE LAND USE PLANNING; PROVIDING FINDINGS; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE ADOPTION OF A COMPREHENSIVE PLAN FOR SARASOTA COUNTY PURSUANT TO THE REQUIREMENTS OF THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT; PROVIDING FOR RATIFICATION OF THE PROCEDURES FOLLOWED IN ADOPTING THE SARASOTA COUNTY COMPREHENSIVE PLAN; PROVIDING FOR THE LEGAL SIGNIFICANCE OF THE COMPREHENSIVE PLAN- AND ITS VARIOUS COMPONENTS; PROVIDING FOR INTERPRETATION AND ADMINISTRATION OF THE COMPREHENSIVE PLAN; PROVIDING FOR THE PROTECTION OF PROPERTY RIGHTS AND THE PROTECTION OF VESTED RIGHTS; PROVIDING FOR APPLICABILITY; PROVIDING FOR THE EFFECT OF THIS ORDINANCE ON OTHER ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

Section 1. **Findings.** The Board of County Commissioners hereby makes the following legislative findings:

1. Pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida, the Sarasota County Home Rule Charter, and the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, as amended, (the Act) Sarasota County is authorized and required to adopt a comprehensive plan.

2. Sarasota County Ordinance No. 76-51 designated the Sarasota County Planning Commission as the Local Planning Agency and provided for the preparation and recommendation of a comprehensive plan by the Sarasota County Planning Commission and the adoption of a comprehensive plan by the Board of County Commissioners in accordance with the provisions of the Act.

3. The Sarasota County Planning Department, the Sarasota County Planning Commission, and the Board of County Commissioners have provided for the broad dissemination of proposals for all elements of a comprehensive plan, and have held numerous public meetings and workshops to solicit public comment.

4. The Sarasota County Planning Commission held a two day public hearing on August 29, 1988, and August 31, 1988, to receive public comment on the proposed Sarasota County Comprehensive Plan entitled, "Apoxsee, the Revised and Updated Sarasota County Comprehensive Plan".

5. Following the public hearing, the Sarasota County Planning Commission made appropriate revisions to the proposed Sarasota County Comprehensive Plan and forwarded the proposed plan, as revised, together with supporting documentation including an Evaluation and Appraisal Report, to the Board of County Commissioners.

6. The Board of County Commissioners of Sarasota County held a two day public hearing on September 9, 1988, and September 16, 1988, on the proposed Sarasota County Comprehensive Plan, as revised and recommended by the Sarasota County Planning Commission, together with supporting documentation including an Evaluation and Appraisal Report.

STATE OF FLORIDA  
COUNTY OF SARASOTA  
I HEREBY CERTIFY THAT THE  
TRUE AND CORRECT COPY OF THE ORDINANCE  
IS FILED IN THE OFFICE OF THE CLERK  
OF THE COUNTY OF SARASOTA  
THIS 15TH DAY OF MARCH 1989  
AT SARASOTA, FLORIDA  
CLERK OF THE COUNTY OF SARASOTA  
BY WILLIAM RAY GILBERT  
CLERK

089-18

*Apoxsee - The Revised and Updated Sarasota County  
Comprehensive Plan*

7. Following the public hearing, the Board of County Commissioners of Sarasota County made appropriate revisions to the proposed Sarasota County Comprehensive Plan and adopted the Evaluation and Appraisal Report.

8. The Board of County Commissioners of Sarasota County transmitted "Apexsee, the Revised and Updated Sarasota County Comprehensive Plan", as amended by the Board of County Commissioners, together with the required supporting documents including the Evaluation and Appraisal Report, to the Florida Department of Community Affairs (the Department) pursuant to the requirements of the Act and Rule 9J-11.004, F.A.C.

9. The Board of County Commissioners of Sarasota County has held the required public hearing to consider the Department's objections, recommendations and comments on Apexsee, the Revised and Updated Sarasota County Comprehensive Plan.

Section 2. Definitions. For the purpose of this ordinance, the following definitions shall apply:

1. "Act" means the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 161, Part II, Florida Statutes, as amended.

2. "Apexsee, the Revised and Updated Sarasota County Comprehensive Plan", or "Apexsee" means the document adopted by the Board of County Commissioners and filed with the Clerk of said Board pursuant to this ordinance. Said document shall be identified by the signature of the Chairman of the Board of County Commissioners, and bear the seal of the County under the words:

This is to certify that this is the official copy of "Apexsee, the Revised and Updated Sarasota County Comprehensive Plan" referred to in Section 2.2 of Sarasota County Ordinance No. 89-18.

3. "Board" means the Board of County Commissioners of Sarasota County, Florida.

4. "Consistent with the Sarasota County Comprehensive Plan" or "in conformity with the Sarasota County Comprehensive Plan" means that the land uses, densities or intensities and other aspects of development permitted by a development order are compatible with and further the goals, objectives, policies, land uses, and densities or intensities in the Sarasota County Comprehensive Plan pursuant to the provisions of this ordinance, as the Comprehensive Plan and this ordinance may be amended from time to time.

5. "Decision-making authority" means any state or local government commission, board, agency, department or official having authority to issue a development order as defined herein.

6. "Development order" means any action granting, denying, or granting with conditions, an application for a development permit.

7. "Development permit" means any building permit, zoning permit, preliminary subdivision plan, subdivision or other plat approval, site and development plan approval, rezoning, certification, special exception, variance, environmental permit or any other official action of Sarasota County or any other state or local government commission, board, agency, department or official having the effect of permitting development of land located within the geographic area subject to the provisions of this ordinance. Development shall include all activities set forth in Section 180.04, Florida Statutes.

SEAL OF FLORIDA  
CLERK OF SUPERIOR  
COURT  
THIS AND OFFICIAL COPY OF THE  
IN THIS OFFICE, BEHOLD BY THESE AND THE  
MAR 15 1989  
RANDEL E. BARNES, CLERK OF THE CIRCUIT COURT  
IS OFFICED CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA  
OFFICIAL COPY  
REPORT CLERK

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2. The Board of County Commissioners hereby ratifies and adopts all procedures utilized with regard to the Adoption of the Sarasota County Comprehensive Plan adopted by this ordinance, notwithstanding contrary or different provisions, if any, contained in any other ordinance.

Section 4. Legal Significance of the Primary Components, Guiding Principles, and Supportive Material.

1. The Primary Components of "Apexsee, the Revised and Updated Sarasota County Comprehensive Plan" are intended to direct and achieve coordinated and harmonious development and land use in a manner which will permit the planning for adequate community facilities and protect the ecological balance of the environment, in order to protect and promote the public health, safety, convenience, prosperity and general welfare of Sarasota County's residents and visitors.

(A) All development orders entered by the Board of County Commissioners or any other state or local government commission, board, agency, department or official concerning development within the geographic area subject to the provisions of this ordinance shall be consistent with the Primary Components of "Apexsee, the Revised and Updated Sarasota County Comprehensive Plan".

(B) In recognition that zoning has been and shall continue to be a major tool for the implementation of land use and development policies, petitioners seeking any rezoning or any special exception shall be required to affirmatively establish in the manner in which the development proposal and requested change in land use is consistent with the Primary Components of "Apexsee, the Revised and Updated Sarasota County Comprehensive Plan".

2. The Guiding Principles of "Apexsee, the Revised and Updated Sarasota County Comprehensive Plan" are intended to assist the decision-making authority in determining whether a development order would be consistent with the Primary Components of the Sarasota County Comprehensive Plan. The Guiding Principles are intended to be applied in a flexible manner but failure of a proposed development or land use to comply with applicable portions of the Guiding Principles shall constitute sufficient grounds for denial of approval for a development permit.

3. Supportive Material may be utilized by the Board of County Commissioners and other governmental agencies as additional information in resolving development and land use decisions. Supportive Material shall not be used as the sole grounds for a decision on a development permit.

Section 5. Interpretation and Administration of the Comprehensive Plan.

1. The Board of County Commissioners shall have the authority and duty to weigh the relative importance and relevance of the various elements of the Sarasota County Comprehensive Plan, including the Primary Components of Apexsee, as applied to specific development permits.

2. The decision of the Board of County Commissioners with respect to any development order shall be presumed to be consistent with the Sarasota County Comprehensive Plan. Formal, written findings by the Board of County Commissioners shall not be required with respect to whether a development order is consistent with the comprehensive plan. No decision of the Board of County Commissioners shall be overturned on the grounds of inconsistency with the comprehensive plan unless a court of competent jurisdiction determines that it is not at least fairly and reasonably consistent with the Sarasota County Comprehensive Plan.

SEAL OF SARASOTA COUNTY  
COUNTY OF SARASOTA  
I HEREBY CERTIFY THAT  
THIS ORDINANCE IS  
A TRUE AND CORRECT COPY  
AS THE SAME APPEARS  
IN THE OFFICIAL RECORDS  
OF THE COUNTY OF SARASOTA  
THIS 15th DAY OF  
MAY 1989  
CLERK OF THE COUNTY OF SARASOTA  
COUNTY OF SARASOTA  
CLERK OF THE COUNTY OF SARASOTA  
COUNTY OF SARASOTA  
CLERK OF THE COUNTY OF SARASOTA

*Apexsee - The Revised and Updated Sarasota County  
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County Comprehensive Plan.

3. The Board of County Commissioners may by resolution adopt and file with the Clerk of the Board Official Compilations of the Sarasota County Comprehensive Plan which shall be identified by the signature of the Chairman of the Board of County Commissioners, attested by the Clerk of the Board of County Commissioners, and bear the seal of the County under the words:

This is to certify that this is an official compilation approved by Resolution No. \_\_\_\_\_ on \_\_\_\_\_, 19\_\_\_\_, pursuant to the provisions of Sarasota County Ordinance No. 89-18.

4. The Board of County Commissioners may by resolution replace for reasons of clarity or otherwise, any page, pages or portions of the official copy of Apoxsee, including the entire document on file with the Clerk of the Circuit Court, which shall supersede the prior page, pages or portions thereof; may correct drafting, typographical or other errors or omissions in the prior Apoxsee document, or page, pages or portions thereof; but no such correction shall amend the original Apoxsee document, or page, pages or portions thereof.

5. It shall be the duty of state and local government commissions, boards, agencies, departments, and officials to apply and carry out the Sarasota County Comprehensive Plan pursuant to the provisions of the Local Government Comprehensive Planning and Land Development Regulation Act.

6. The language and provisions of this ordinance, Apoxsee, and the Sarasota County Comprehensive Plan shall be construed in pari materia with Chapter 163, Part II, Florida Statutes, and Chapter 93-5, F.A.C.

Section 6. No Taking or Abrogation of Vested Rights.

1. Nothing in this ordinance or the Sarasota County Comprehensive Plan shall be construed or applied to result in a temporary or permanent taking of private property without due process of law.

2. Nothing contained herein shall be construed as affecting validly existing vested rights. It shall be the duty and responsibility of the person alleging vested rights to demonstrate affirmatively the legal requisites of vested rights. Rights shall vest based upon a determination by the Board of County Commissioners that the person alleging vested rights:

(A) has relied in good faith,

(B) upon some act or omission of the government,

and  
(C) has made such a substantial change in position or incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights he has acquired.

3. The Board shall adopt administrative procedures to afford due process to persons alleging vested rights.

4. The mere existence of zoning contrary to the Sarasota County Comprehensive Plan shall not be determined to

STATE OF FLORIDA  
COUNTY OF SARASOTA  
I HEREBY CERTIFY THAT  
THIS AND CERTAIN COPY OF THE  
AS THE OFFICE, SIGNED BY ME AND MY SEAL  
SARASOTA COUNTY  
MAR 15 1989  
CLERK OF THE CIRCUIT COURT  
IN AND FOR THE COUNTY OF SARASOTA  
BY WILLIAM E. GAVIN  
DEPUTY CLERK

-5-

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5. Nothing contained herein shall limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to Chapter 380, Fla. Stat., or who has been issued a final local development order prior to the effective date of this ordinance and development has commenced and is continuing in good faith, as provided by Section 163.3167(8), Florida Statutes (1987). "Final local development order" means construction plans for subdivision improvements, site and development plan approval for other types of development, or building permits.

#### Section 7. Applicability

1. The Sarasota County Comprehensive Plan shall be applicable throughout the unincorporated area of Sarasota County, Florida, and as otherwise provided by law.

#### Section 8. Effect on Other Ordinances

1. This ordinance is not intended to repeal any existing county ordinance, except as provided in Section 8.2 hereof. Where this ordinance conflicts with another county ordinance the provisions of this ordinance shall prevail to the extent of such conflict except as otherwise provided herein.

2. This ordinance and the Sarasota County Comprehensive Plan adopted herein shall supercede the provisions of Sarasota County Ordinance No. 81-30 and the comprehensive plan adopted therein, as amended, upon the effective date of this ordinance.

Section 9. Severability. It is declared to be the intent of the Board of County Commissioners that if any provision of this ordinance is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions.

Section 10. Effective Date. This ordinance shall take effect ninety days after its adoption.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 11th day of MARCH, 1989.

BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

BY: [Signature]  
Chairman

ATTEST:

KAREN E. RUSHING, Clerk of the  
Circuit Court and Ex-Officio Clerk  
of the Board of County Commissioners  
of Sarasota County, Florida

By: Susan Kay Garland  
Deputy Clerk

COPIES OF THIS ORDINANCE  
SHALL BE FURNISHED TO THE  
CLERK OF THE CIRCUIT COURT OF THE  
SIXTH JUDICIAL CIRCUIT IN AND FOR  
SARASOTA COUNTY, FLORIDA  
MAR 15 1989  
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT  
OF THE SIXTH JUDICIAL CIRCUIT IN AND FOR  
SARASOTA COUNTY, FLORIDA  
BY: [Signature]  
Deputy Clerk

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Inserts:

- Future Land Use Plan Map, Sarasota County - 2010 (with adopted Year 2010 Future Thoroughfare Plan)
- Future Land Use Plan Map, Sarasota County - 2010 Conservation/Preservation Areas with Existing and Planned Waterwells

## Notes:

A detailed Table of Contents and a List of Illustrations (Tables and Figures) for individual Chapters are located at the beginning of each Chapter.

A detailed listing of the various Appendices precedes Appendix A, following Page 508.

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## CHAPTER 5

# TRAFFIC CIRCULATION

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# CHAPTER 5

## TRAFFIC CIRCULATION

### Introduction

The relationship between land use patterns and the transportation network clearly demonstrates the establishment and growth of the population of Sarasota County. Communities were settled along the coast and on the keys and through the area now served by U.S. 41. By 1930, when the population of Sarasota County was only 12,000, the road network was fairly well established (see Figure 36). The east-west roads, Bahia Vista, Bee Ridge and Center Road, linked the rural agricultural areas to the east with the coastal population centers to the west. These urban connector roads served as a basis for the location and allocation of subsequent urban growth in a grid system within the County.

Periods of rapid population growth, seasonal fluctuations in population, with the resulting increase in the number of automobiles have combined in Sarasota to produce traffic congestion. This was manifested not only in the conditions found on thoroughfares but also in the spillover of heavy traffic into residential neighborhoods as drivers sought to avoid the thoroughfares.

In addition to congestion, adequate hurricane evacuation routes, and the ability to adequately provide emergency services (police and fire) are traffic circulation issues that need to be addressed.

The relationship between land uses and highway function is particularly evident with Interstate I-75, which was completed in the mid-1980's to serve as a primary route for through traffic from Tampa to Miami. Although I-75 was intended to function

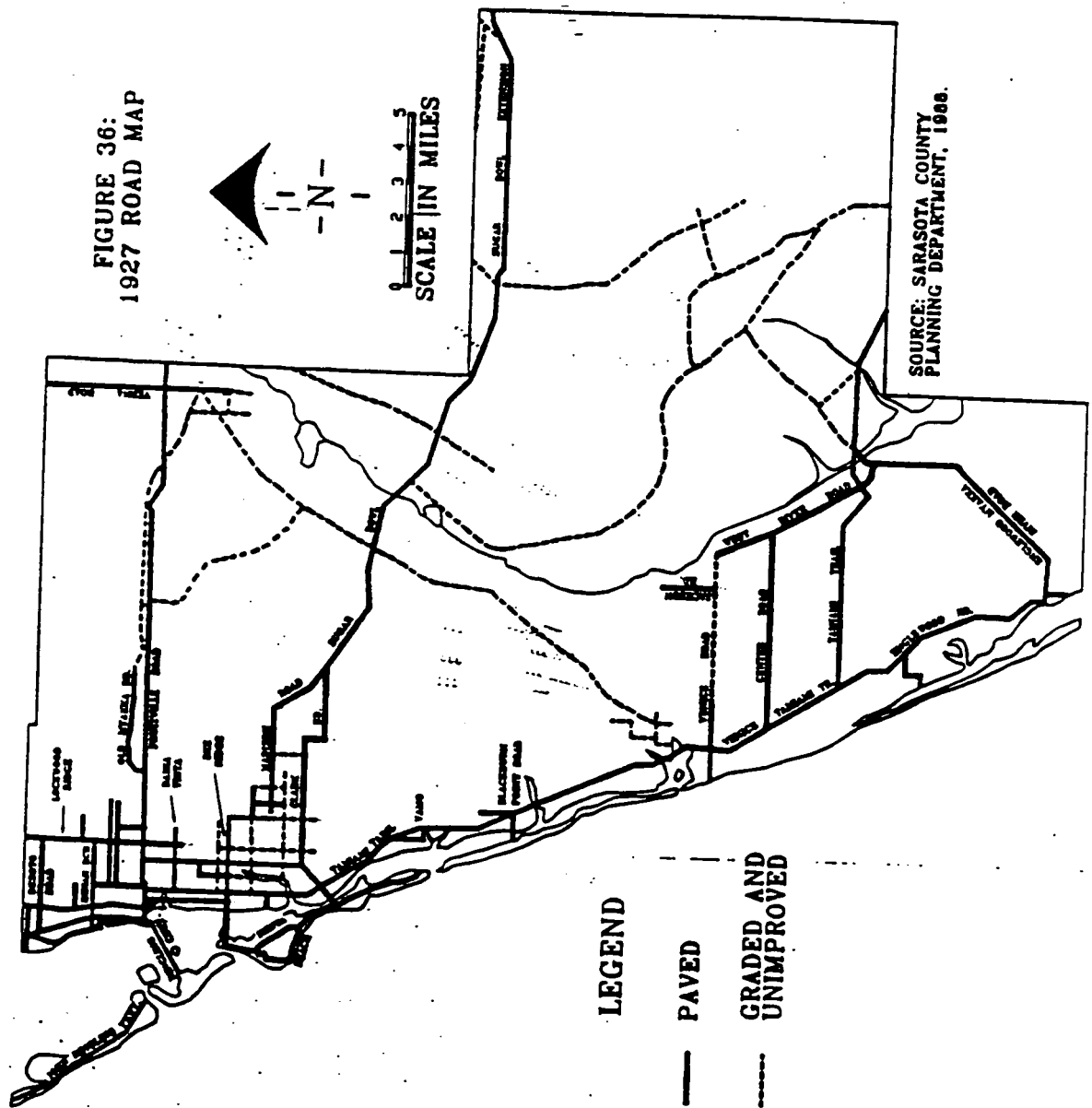
as a limited access facility providing for inter-regional and interstate travel both to and through Sarasota, tremendous pressure has been exerted to permit the establishment of suburban employment centers along its corridors (1). Continued demand for development along I-75 will increase the amount of interlocal travel on the Interstate thus contributing to the congestion and circulation problems not only on I-75, but other facilities as well.

### Planning

Sarasota County grew with the automobile, which provided the mobility to accommodate the low-density urban growth that spread inland from the coast. New roads were built to supplement the early road system and to satisfy transportation needs in those areas east of the urban corridor along U.S. 41.

Plans were developed not only to accommodate future growth, but also to coordinate the development of an adequate road network to serve the desired land uses. A "Comprehensive Road Plan" developed in 1960 depicted a road system based upon urban expansion radiating inland and away from the Cities of Sarasota and Venice. This 1960 plan provided for the reservation of right-of-way for future roads in areas that had not yet developed. Additionally this 1960 plan depicted an interstate located as much as 10 miles east of the coastline. The right-of-way requirements specified by the 1960 road plan were later incorporated into the 1978 "Subdivision General Land Development and

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Road Construction Regulations for Sarasota County." However the plan itself was not implemented as a general road construction program throughout the County.

The adoption of the "1975 Sarasota County Thoroughfare Plan," as part of the Land Use Plan provided for the development of a major thoroughfare system to serve the urban areas of the County. The 1975 thoroughfare plan was significantly different from the 1960 plan. It depicted I-75 in its current alignment. The road system was consistent with the urban containment policy and was generally designed to serve the areas west and south of the interstate. This plan also introduced the concept of planning for different functioning levels of roadways to serve the urban areas.

In 1974, the Sarasota-Manatee Area Transportation Study (SMATS) was created in order to coordinate all transportation planning (local, County, State, federal) within the two-county area. Its emphasis is on planning for urban areas, as determined by federal regulations. The existing urbanized area of Sarasota County included in the study area is shown in Figure 37.

The Metropolitan Planning Organization (MPO) is composed of elected officials representing the various governmental entities located in the two counties. It is charged with preparing transportation plans and programming activities within the study area; more significantly, MPO approval is required for all non-local transportation programs within the prescribed area in order to be eligible for federal and State urban area transportation funds. Thus the MPO is and will continue to be a local forum available to Sarasota County for ensuring that transportation plans of neighboring communities are not in conflict with its own.

The MPO Technical Advisory Committee (TAC) is composed of representatives of the various planning and engineering departments within the MPO area. Its function is to provide technical advice and support to the MPO.

In 1979 the MPO adopted a Year 2000 Needs Plan for the entire study area from the City of Palmetto to Englewood. The Needs Plan identified major improvements and additions to the thoroughfare

system which were projected to be necessary by the year 2000. It was based on the projected transportation needs related to anticipated population growth and land use patterns as well as political, environmental and financial considerations. The MPO is now in the process of updating the long range plan for the two-county study area to identify the thoroughfare system that will be needed through the year 2010. The Sarasota County Planning Department has worked closely with the MPO to ensure that the year 2010 land use patterns were adequately represented in the MPO's Year 2010 Needs Plan. As a result, the land use data and population projections utilized in the MPO update are consistent with the updated Apoxsee Future Land Use Plan.

In addition to the long range needs plan, the MPO is responsible for the annual preparation of a Transportation Improvement Program (TIP). The TIP identifies State, County and municipal projects which are programmed for implementation within the next five-year period. The TIP is developed from data supplied by the Florida Department of Transportation and the Technical Advisory Committee (TAC) members from the Counties and Cities. The TIP includes information on the type of construction, estimated sources of funding, implementation schedule, and the agencies responsible for implementation.

In 1986 the MPO adopted a Comprehensive Bicycle Plan for Manatee and Sarasota Counties. This plan to date represents the best available data on bicycle transportation in the County. However, it does not include an inventory of bicycle paths. The purpose of this plan was to provide physical improvements to existing facilities, educating cyclists and motorists on road safety and efficiency, improving traffic behavior through encouraging police intervention, promoting increased use of bicycles as an alternative form of transportation, and institutionalizing and interrelating bicycle programs and policies within routine government operations and funding mechanisms.

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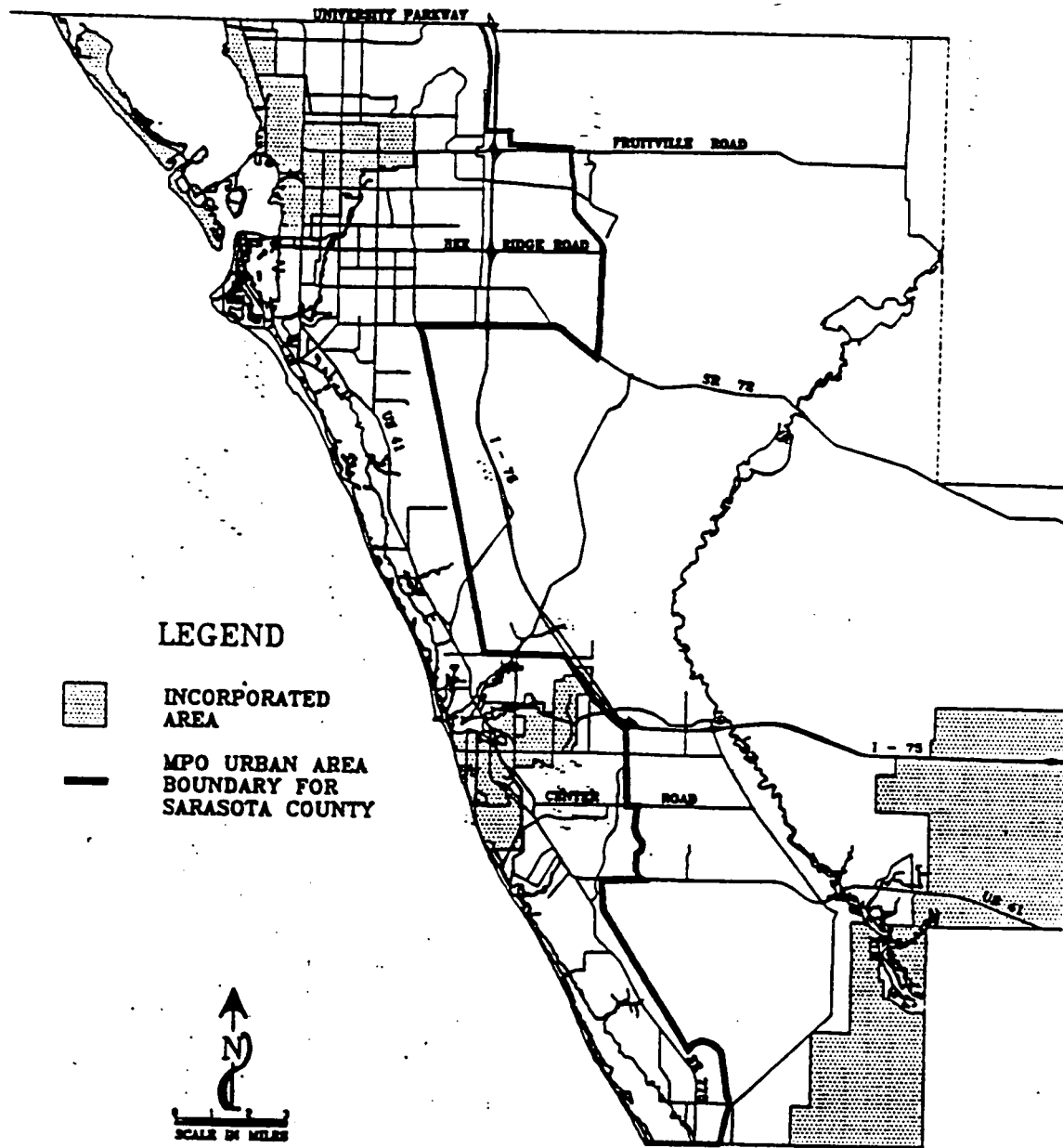


Figure 37: MPO Study Area

Source: Sarasota-Manatee Metropolitan Planning Organization, 1988.

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Comprehensive Plan*



## Inventory

The existing traffic circulation network within Sarasota County consists of road segments which are classified according to their functional relationship with adjacent land uses (see Figure 38 and Appendix E, Section 1). This hierarchical classification of road segments is based on the relationship between two primary functions of road networks, the movement of traffic and the degree of access to surrounding land uses. For example, an expressway, or interstate highway, with controlled limited access at interchanges provides for rapid free-flowing vehicular movement, whereas, the virtually unlimited access provided on local roads results in very restricted traffic flow.

The functional classifications of roadways, as adopted by the Florida Department of Transportation (FDOT) includes primary and minor arterials, urban and rural collectors and local roads, which are discussed below.

## Classification

**Arterial roads** serve the primary function of mobility by accommodating a relatively continuous and high traffic volume with long average trip lengths at high operating speeds. Primary arterials generally link urban areas and serve major centers of activity in urban areas and have the highest traffic volume corridors, the longest trip purpose and carry a high proportion of the urban area travel on a minimum mileage.

**Minor Arterials** generally interconnect with, and augment primary arterial routes and provide service trips of shorter length and travel speed.

**Collector roads** collect and distribute traffic between local roads and arterials and provide a link between access to land use and mobility needs.

**Local roads** provide access to abutting property. These roads are characterized by having relatively low traffic volumes, short average trip lengths and minimal through traffic movements.

Sarasota County is currently responsible for the maintenance of 1,087 lane miles of roadway which equals the total miles of each lane of roadway. This total lane mileage excludes those roadways under the municipal jurisdictional responsibility of the Cities of Sarasota, Venice, North Port and the Town of Longboat Key and the 555 lane miles within the Florida Department of Transportation's jurisdiction.

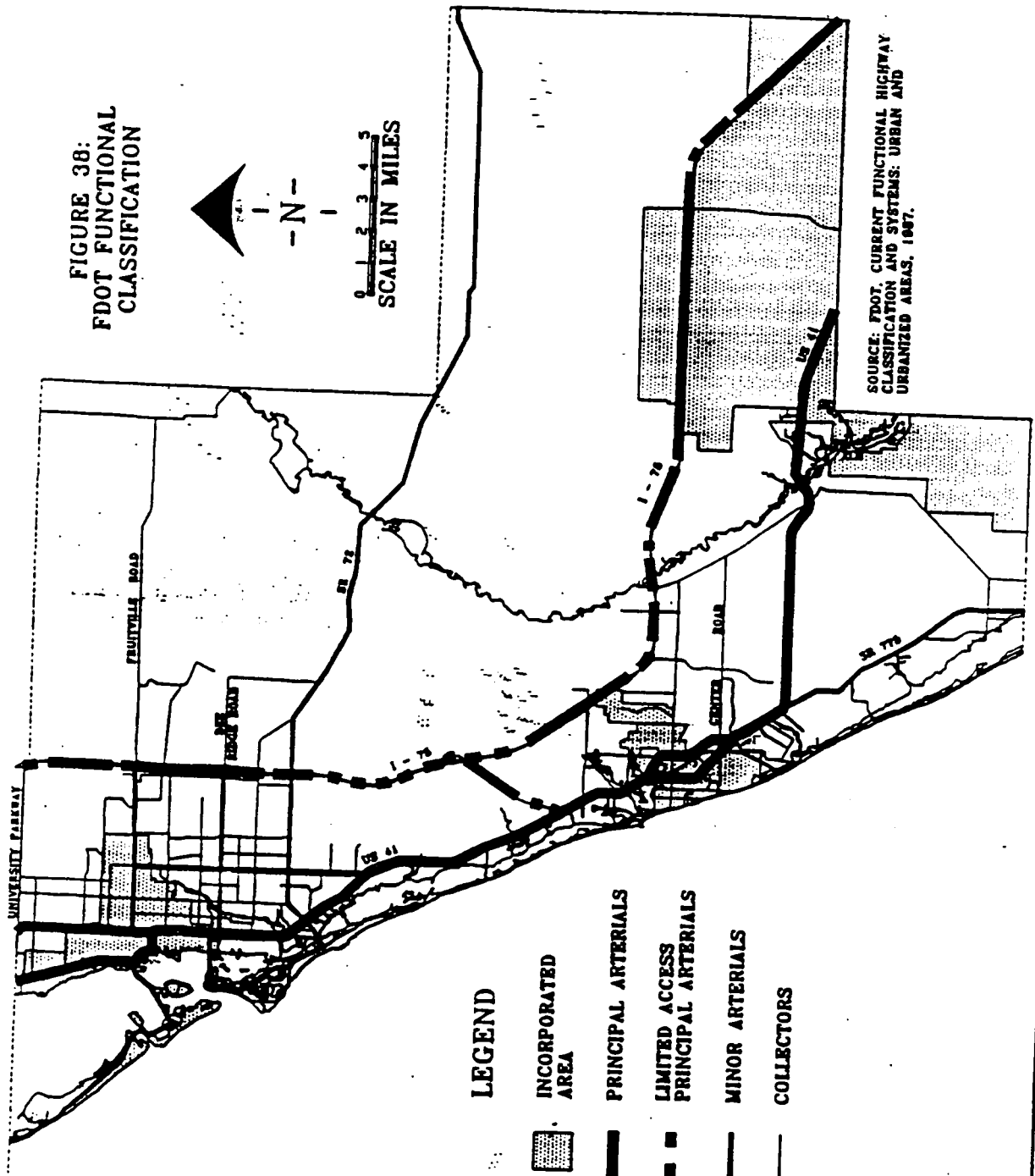
In Sarasota County there are 395.3 lane miles of primary arterials, all within the FDOT jurisdictional responsibility. There are 186.7 lane miles of minor arterials in Sarasota County, of which the County is responsible for only 44.2 lane miles. Sarasota County is responsible for 418.4 lane miles of collectors, of which 46.8 lane miles are rural collectors. Figure 39 depicts the lane characteristics of the existing roadway network.

In the 1981 Apoxsee Traffic Circulation Chapter, neither the existing roadway network nor the thoroughfare plan utilized the FDOT functional classification system. The classification used in Apoxsee was similar to FDOT's system because both recognized the functional relationship of roadways with adjacent land uses and also recognized the inverse relationship between traffic movement and the degree of access to surrounding uses. The FDOT functional classification system was designed to represent the Statewide traffic circulation system and therefore, was not sensitive to the local dynamics of the Sarasota County roadway network. Consequently, many roads locally designated as major and minor arterials are urban collectors according to FDOT.

In the future, Sarasota County should work with FDOT in revising their functional classification of Sarasota County roads to more accurately reflect the existing functioning roadway network, consistent with Chapter 335.04, Florida Statutes and Rule 14-12, Florida Administrative Code.

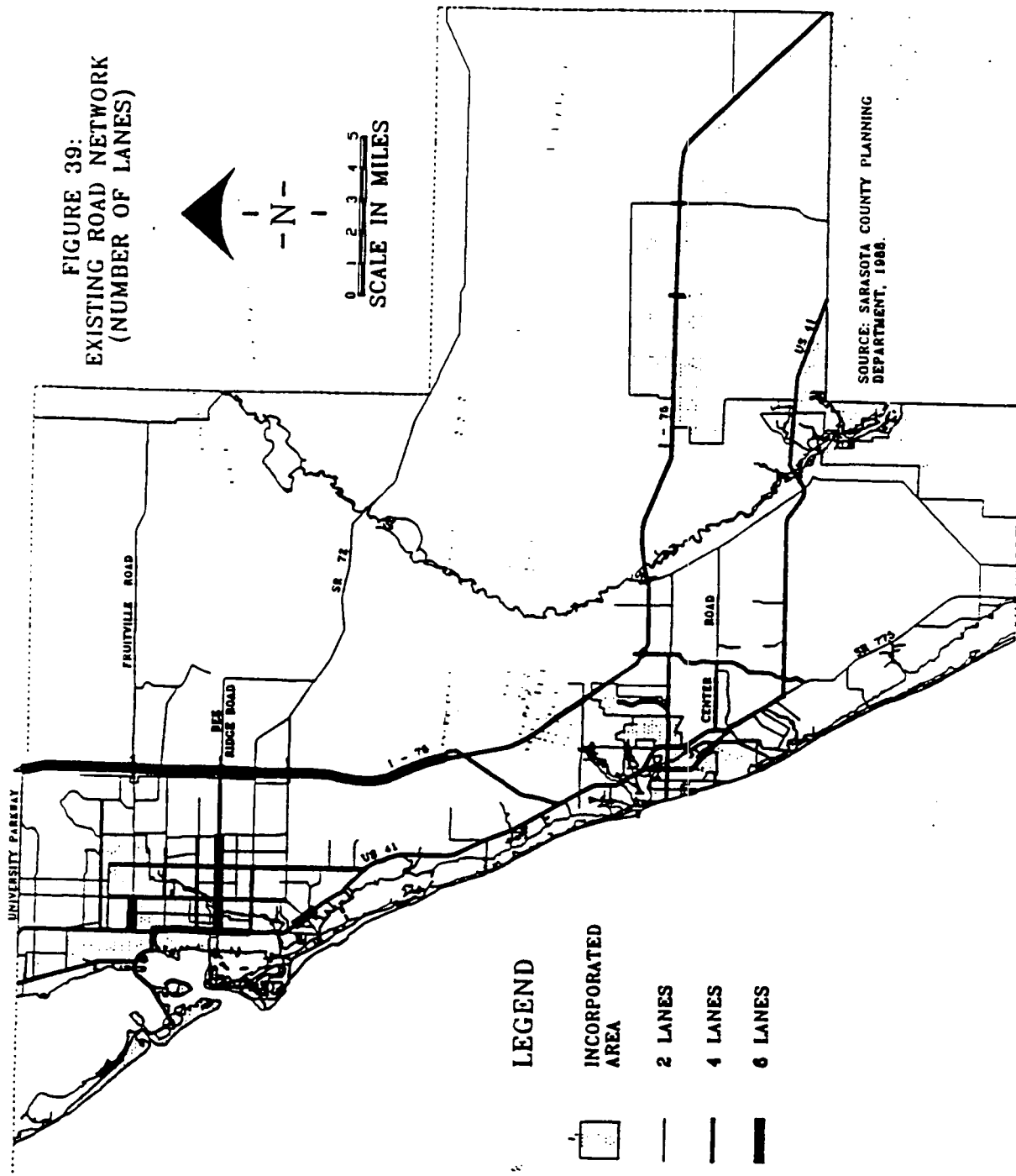
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FIGURE 38:  
FDOT FUNCTIONAL  
CLASSIFICATION



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FIGURE 39:  
EXISTING ROAD NETWORK  
(NUMBER OF LANES)



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## Analysis

### The 1981 Traffic Circulation Plan

The 1981 ~~Apex~~ Traffic Circulation Plan had as its goal the development of a thoroughfare system which integrates roadways, bikeways and pedestrian ways, is compatible with the environmental and aesthetic qualities of the community, meets the existing and future needs of the population, is economically feasible to construct and provides for the efficient provision of alternative modes of transportation. In order to accomplish this goal, the Plan required a Countywide construction program, maintenance program and bikeway plan. The Plan also required that a traffic analysis system be used to assess the traffic and road conditions, a traffic management system for identifying needed intersection improvements and all local transportation planning efforts be coordinated with the Metropolitan Planning Organization.

As stated in the Florida Transportation Plan (2), "transportation modes should be viewed as complementary services which together provide for the movement of people and goods." In order to achieve an efficiently operating thoroughfare system, the road network must be coordinated with surrounding land uses and with a complementary mix of other transportation modes such as transit, pedestrian and bicycle travel. The complete integration of all of these modes has yet to be accomplished in Sarasota County.

Currently, there is a road construction program specified in the Capital Improvements Program (CIP) and Sarasota County Ordinance No. 83-24, as amended, the Public Facilities Financing Ordinance. The current road program, as amended by Ordinance No. 87-140, includes 22 road segments on the County system that are scheduled for construction by Fiscal Year 1992. This list is contained in Table 16. Programmed new construction is consistent with the 1981 ~~Apex~~ Traffic Circulation Map in terms of the location of the new

roadways and extensions of existing roadways. Similarly, a road maintenance program exists and is funded through the CIP.

The 1981 Traffic Circulation Plan called for a program to protect planned rights-of-way from future development. To date, a comprehensive program to protect planned rights-of-way has not been initiated. The road construction program would be greatly strengthened by not only a program to protect existing and future rights-of-way, but also an advanced rights-of-way acquisition program. These programs would assure the ability to construct new or expand existing facilities by protecting future needed rights-of-way (ROW) from development.

With regard to road construction and maintenance programs, the Plan encouraged the use of interdisciplinary design teams to prepare special highway studies which incorporate local environmental and aesthetic concerns. Additionally, the Plan addresses the need to ensure that the integrity of existing neighborhoods is protected in road construction and maintenance activities.

The Plan also required the development of a program to maintain substandard roads. Currently, there are approximately 200 miles of County owned but not maintained substandard roads which are carry-overs from previous policies which permitted substandard roads to be deeded to the County without being included in the maintenance program. Presently, it is the policy of the County to accept additional roads for maintenance which are built to County standards only. In 1984 Ordinance 84-43 was adopted to permit the establishment of individual Public Improvement Districts to fund improvements to public roads and for drainage. However, the maintenance of private roads rests solely with the homeowners or associations of homeowners. Aside from identifying the responsibility for the maintenance of private roads, no mechanism exists to ensure that such roads will be maintained.

To date, Sarasota County has not adopted a Countywide bikeway plan which was called for in the 1981 plan. Where possible, in new construction or reconstruction of roadways functioning as collec-

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Table 16: Sarasota County Scheduled Road Construction Program, 1988-1992

Facility	Description	Facility Type	Facility Location
<b>1988</b>			
Lockwood Ridge Road	Const 4L	Collect	17th Street to Myrtle Street
Laurel Road	4L/Const 2L	Collect	U.S. 41 to I-75
Jacaranda Boulevard	2L to Ex 2L	Collect	Venice Avenue to Center Road
Palmer Boulevard	Const 2L	Local	I-75 to Niobe
DeSoto Road	Wid to 4L & 3L	Collect	U.S. 41 to U.S. 301
Unnamed	Acquire R/W	Min Art	DeSoto Road to U.S. 301
<b>1989</b>			
Lockwood Ridge Road	Const 4L	Collect	Myrtle Street to University Parkway
Honore Avenue	2L in 4L R/W	Min Art	Longmeadow to County Line
Auburn Road	Reconstruct	Local	Venice Avenue to Border Road
Pine Street	Const 2L in 4L R/W	Collect	S.R. 775 to Dearborn-S. River Road
<b>1990</b>			
Unnamed	Const 4L	Min Art	DeSoto Road to U.S. 301
Albee Farm Road	Const 4L	Collect	U.S. 41 Bypass to Laurel Road
<b>1991</b>			
Bahia Vista Street	Wid 4L W/2BR	Collect	Beneva Road to Cattlemen Road
Laurel Road	Add 2L to Ex 2L	Collect	Albee Farm Road to Haul Road
University Parkway	Add 2L to Ex 2L	Min Art	U.S. 301 to I-75
Dearborn Street	Const 4L	Collect	Indiana Avenue to Pine Street
Lockwood Ridge Road	Const 2L	Local	Gypsy Street to Wilkinson Road
Ortiz Boulevard	Const 4L	Collect	U.S. 41 to Warm Mineral Springs
<b>1992</b>			
Webber Street	Resur & Const 2L	Collect	McIntosh Road to Cattlemen Road
Colonia Avenue	Const 4L W/BRS	Collect	Albee Farm Road to City Limits
Cattlemen Road	Add 2L to Ex 2L	Collect	Bee Ridge Road to Proctor Road

Source: Sarasota County Planning Department, 1988.

tors or greater, outside lanes have been widened to accommodate bicycle traffic consistent with standards set by the Florida Transportation Plan. However, there continues to be a need to integrate bicycle traffic into the overall transportation network.

Just as the need to recognize and integrate bicycle travel, there is a need to accommodate pedestrian needs into the overall County transportation network. Guidelines and criteria should be developed

to assess the need to provide for pedestrian access in the design of roadways and residential and nonresidential developments.

The Traffic Circulation Plan also required the ongoing analysis of road and traffic conditions, the identification of needed intersection improvements, and the coordination of all transportation planning with MPO. With regard to a traffic analysis program, the Sarasota County Transportation Department assesses the impacts of development

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proposals on the thoroughfare system and identifies needed system improvements. However, traffic system management techniques useful in identifying needed intersection improvements have not yet been incorporated into the traffic analysis program. Since the creation of the MPO in 1975, all local transportation plans and programming activities have been coordinated with the plans of the MPO, particularly the Year 2010 Needs Plan.

## Existing Roadways

### Level of Service

The determination as to whether the existing roadways can adequately serve the existing and future demands is predicated on the ability to estimate the maximum amount of traffic a roadway can safely accommodate. The establishment of threshold standards for roadway types or levels of service (LOS) are used to identify needed system improvements, either by the expansion of existing facilities, constructing new facilities, creating parallel facilities, or the use of alternative modes of travel.

While the principle objective of capacity analysis is to estimate the maximum amount of traffic that can be accommodated by a given roadway, such an analysis would be of limited value given that roadways generally operate poorly near capacity and are rarely planned or designed to operate near or at capacity. Therefore, capacity analysis is best used to estimate the traffic-carrying ability of a given roadway over a range of defined operational conditions. The definition of operational conditions is accomplished using level of service criteria.

The concept of level of service is defined as a qualitative measure describing operational conditions within a stream of traffic and the perception of those conditions by motorists and passengers. A level-of-service category or level generally describes these conditions in terms of speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.

Six levels of service have been defined, with LOS A representing the best operating conditions and LOS F the worst. Operating conditions under these levels-of-service are:

- \* LOS A: Motorists are unaffected by the presence of others in the stream of traffic. Freedom to select desired speeds and to maneuver within the stream of traffic is extremely high. The general level of comfort and convenience is excellent.

- \* LOS B: Freedom to select desired speeds is relatively unaffected, but there is a reduction in the freedom to maneuver within the stream of traffic. The level of comfort and convenience is less, because the presence of others in the stream of traffic begins to affect individual motorist behavior.

- \* LOS C: Motorists become significantly affected by the interactions with others within the stream of traffic. The selection of speed is affected, and maneuvering within the stream of traffic requires substantial effort on the part of the motorist. Comfort and convenience declines noticeably at this level.

- \* LOS D: Speed and freedom to maneuver are severely restricted, and a poor level of comfort and convenience is experienced by the motorist. Small increases in traffic will generally cause operational problems at this level.

- \* LOS E: Operating conditions are at or near capacity. All speeds are significantly reduced. Freedom to maneuver is difficult. Comfort and convenience is extremely poor, and motorist frustration is generally high.

- \* LOS F: Operating conditions at this level are forced or have broken down. This condition exists wherever the amount of traffic approaching a point exceeds the amount that can traverse the point. Queues typically form at such locations. Operations are characterized by stop-and-go waves; vehicles may proceed at reasonable speeds for short distances, and then be required to stop in a cyclical fashion. Comfort and convenience is extremely poor, and frustration is high.

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These definitions are general and apply primarily to roadway facilities having uninterrupted traffic flows, such as freeways. For each type of roadway facility, levels of service activities are based on one or more operational parameters or "measures of effectiveness." Basic measures of effectiveness used to define levels of service for different types of roadway facilities include: (a) average travel speed; (b) density; (c) delay; and (d) volume.

\* Excerpts taken from Special Report No. 209: Highway Capacity Manual (1985); Transportation Research Board

### *State Highway System Levels of Service*

On December 16, 1988, FDOT adopted new LOS standards to be used by the Department in developing its transportation plans for the State highway system and also to address issues related to the preparation and implementation of local government comprehensive plans. The standards reflect a broad consensus on land use/transportation issues and are designed for use in general planning applications; they should not be used for detailed design or traffic operation analyses.

The FDOT LOS standards for rural areas, transitioning urbanized or incorporated areas and incorporated areas beyond an existing urban area is "C" peak hour for freeways and principal arterials and "D" peak hour for minor arterials and other facilities. For existing urban areas, the FDOT LOS is "D" peak hour for freeways and principal arterials and "E" peak hour for minor arterials and other facilities. The adopted LOS standards designate the lowest quality design hour as the 30th highest hour. This design hour is to be used for the present through a 20 year planning horizon.

Included in the FDOT LOS standards are four categories of special consideration: special transportation areas, which may include central business districts or areawide DRI's; roadways parallel to exclusive transit facilities, such as metro rail; constrained facilities; and backlogged facilities. At the present time, there are no "special transportation areas" or "exclusive transit facilities" in the unincorporated portion of Sarasota County. Therefore, the State LOS standards that apply to these categories are not discussed in this section.

Constrained facilities are defined as roadways operating below minimum acceptable operating speed for which it is cost prohibitive to add at least two additional through lanes, or which have met maximum through lane standards. Backlogged facilities are defined as facilities which are operating below acceptable operating speed and are not scheduled for major capacity improvements in the FDOT Five Year Work Program.

The FDOT LOS for constrained facilities is the maintenance of the existing operating conditions and the commitment from local governments to not further degrade the operating conditions below the current average travel speed. For backlogged facilities, the FDOT LOS is the maintenance of the existing operating conditions of the roadway until the roadway is upgraded, at which time the roadway should operate at or above the adopted minimum standards. A copy of "Operating Level of Service Standards for the State Highway System" is provided in Appendix E, Section 4.

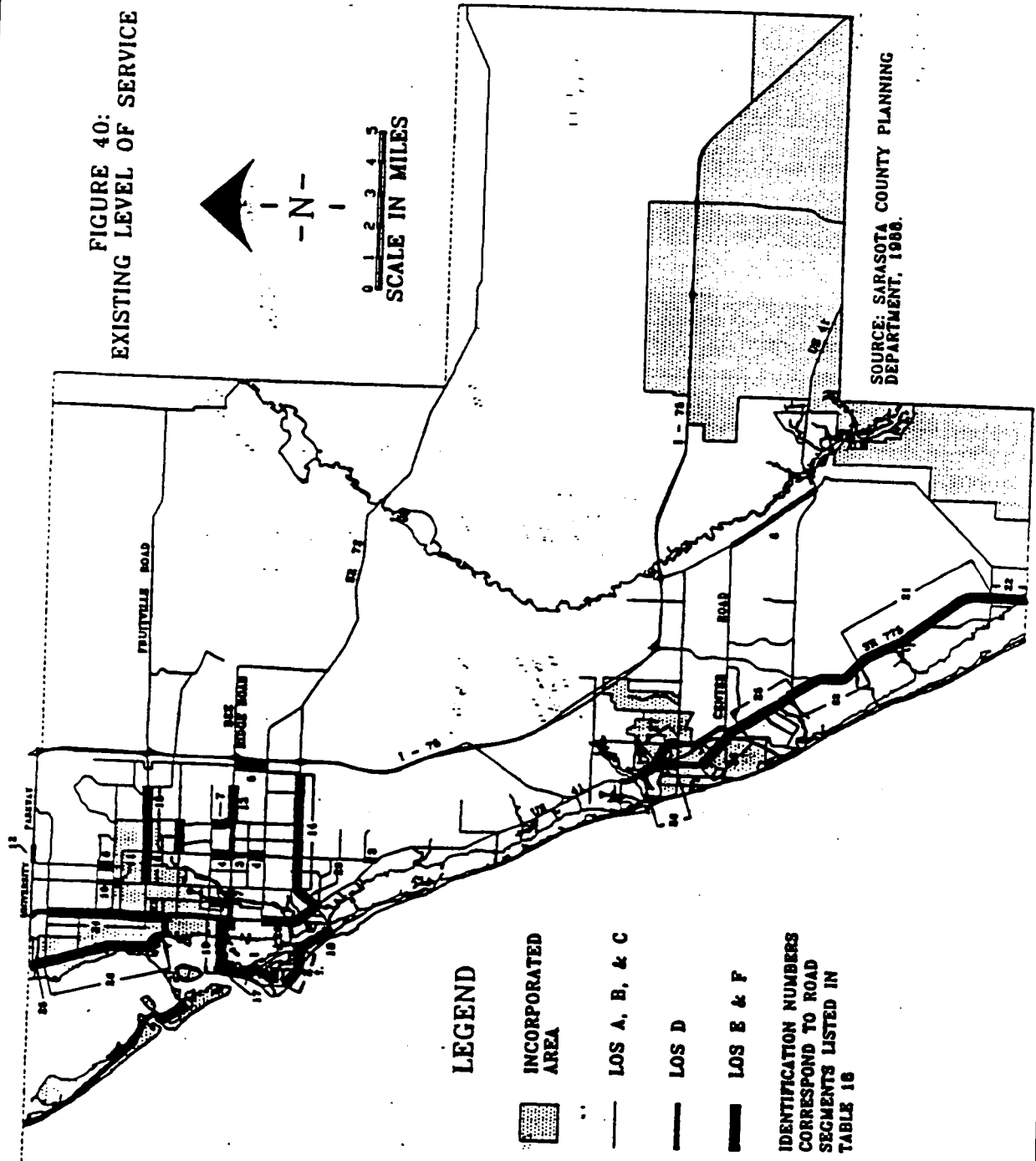
### *Analysis of Existing Conditions*

An analysis of the existing levels of service (LOS) was performed for all State and County roadways in Sarasota County as well as selected municipal roadways determined to be key elements of the County road network. The analysis took into consideration 1987 traffic counts as well as all State, County, and other roadway improvement projects which, according to the MPO's TIP, were underway and scheduled to be completed by the end of 1988. Support documentation for the LOS analysis is compiled in a series of seven technical reports and nine technical memoranda published by the Sarasota County Planning Department in August, 1988. This analysis provides a segment-by-segment evaluation of the existing road network, as shown on Figure 40, and also provides the technical background for determining an acceptable LOS standard for Sarasota County. A summary of the methodology used in preparing the LOS analysis can be found in Appendix E, Section 2.

The analysis of existing levels of service indicates that approximately 172 lane miles, are currently operating at Level of Service "D" peak hour or lower. This represents approximately 16 percent

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FIGURE 40:  
EXISTING LEVEL OF SERVICE



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of the current road network of arterials and collectors. Only 26.9 lane miles, or approximately 13 linear miles, of these road segments are within the jurisdictional responsibility of Sarasota County. Table 17 presents a comparison between the State and County systems, displaying the total lane miles operating below LOS "D" peak hour and LOS "E" peak hour for each jurisdiction. A list of deficient road segments, based on a LOS standard of "C" peak hour for County roadways and the adopted FDOT LOS for State roads, is provided in Table 18.

#### *Adoption of Roadway Levels of Service*

The adoption of LOS for roadways in Sarasota County will provide a basis for assessing the impacts of land use decisions and identify needed roadway system improvements. The analysis provided in Appendix E, Section 2 supplies the rationale for Sarasota County to adopt a minimum operating level of service standard of "C", peak hour, based on a 100th hour design criteria as its goal for roadways under its jurisdiction.

The achievement of the above standard would provide a balance between economic efficiency and the availability of adequate service levels throughout most of the year, with roadways functioning at a level of service below "C", for no more than 100 hours during the year. This factor takes into account the unique nature of Sarasota County's seasonal population fluctuations and the

resulting peak periods of traffic volumes. It represents a community tolerance level that equates, for example, to accepting congested conditions for approximately two hours per day either: a) every Friday afternoon throughout the year at suburban locations such as Venice Avenue west of the intersection at Jacaranda Boulevard; or b) every Wednesday through Friday afternoon during the "winter season" at urbanized locations such as U.S. 41 south of Bee Ridge Road.

Although the level of service standard described above provides an overall goal toward which the County can strive, the adoption of a level of service as high as "C" peak hour, based on a 100th hour design criteria, for constrained and backlogged roadways would not be environmentally or economically feasible. Constrained County roadways are defined as exhibiting a level of service lower than the adopted standard and not being able to attain the adopted standard because prohibitive costs or environmental limitations prevent the construction of at least two additional through lanes. Backlogged County facilities are defined as roadways operating below the adopted standard which do not have prohibitive financial or environmental constraints but are not scheduled for major capacity improvement in the County's Five-Year Schedule of Capital Improvements.

Table 17: Peak-Hour Roadway LOS By Jurisdiction

	Total Lane Miles	LOS D Or Worse		LOS E Or Worse	
		Lane Miles	%	Lane Miles	%
FDOT	554.6	145.0	26	106.5	19
Sarasota County	509.8	26.9	5	14.9	3
Total Lane Miles	1064.4	171.9	16	121.4	11

Notes: Reflects existing roadway plus improvements under construction and scheduled to be completed during FY1987; see Sarasota County MSTU FY88-FY92 Capital Improvements Program and FDOT FY 87-FY 92 Five Year Construction Program.

Level of Service determinations based on 1985 Highway Capacity Manual Procedures.

Source: Sarasota County Planning Department, 1988.

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Table 18: Deficient Road Segments, 1987

Roadway Name	Length	LOS
<b>Sarasota County</b>		
1. Bahia Vista Street	.9	E
2. Beach Road	1.2	E
3. Beneva Road	.7	D
4. Beneva Road	1.2	F
5. Cattlemen Road	1.0	F
6. Lockwood Ridge Road	.5	F
7. McIntosh Road	.7	F
8. River Road	3.0	D
9. Shade Avenue	.7	E
10. Tuttle Avenue	.5	D
11. Tuttle Avenue	.3	F
12. University Parkway	1.1	D
<b>FDOT</b>		
13. Bee Ridge Road	1.4	F
14. Clark Road	3.5	F
15. Fruitville Road	1.0	E
16. Fruitville Road	2.0	F
17. Higel Avenue	.9	F
18. Midnight Pass Road	1.2	F
19. Siesta Drive	1.4	F
20. Stickney Point Road	.8	F
21. S.R. 775	4.6	E
22. S.R. 775	3.6	F
23. U.S. 301	.7	E
24. U.S. 301	2.9	F
25. U.S. 41	2.7	E
26. U.S. 41	9.3	F

Source: Sarasota County Planning Department, 1988.

The adoption of a level of service standard for State facilities must consider the standard adopted by FDOT. If the County were to adopt a higher level of service standard on State facilities, the burden would rest on the County to prove that such a LOS could be maintained. The County's acceptance of constrained and backlogged roadways on both the State and County systems, however, presumes an additional responsibility on the part

of the County in its review and approval of development orders: to base such decisions on maintaining the existing level of service of such roadways and to not allow the existing operating conditions to be degraded.

One strategy for maintaining roadway conditions on constrained and backlogged facilities is the adoption of Impact Management Plans developed in coordination with FDOT, the MPO, the Regional Planning Council, and other affected jurisdictions. The adoption by Sarasota County of Impact Management Plans would provide for inter-governmental coordination and would address the following:

- guidelines to be utilized by the private sector to address the impacts of proposed development;
- the establishment of funding contributions if necessary for improvements to the deficient roadway;
- the identification of needed system improvements such as access control or intersection improvements necessary to mitigate or improve the LOS on the deficient roadway;
- commitments for providing alternate transportation modes, such as mass transit; and
- identification and commitment of long range system improvements to eliminate LOS deficiencies.

#### Accident Frequency Data

At the time the analysis of existing roadway conditions was being completed, accident frequency data were unavailable. Because such data are useful in identifying needed roadway or intersection improvements, future analyses of roadway conditions should consider the analysis of applicable accident frequency data.

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## Future Roadway Levels of Service

A projection of future LOS was performed for the year 1994. In addition to the existing road network, road projects which are scheduled for completion by the end of 1994 were incorporated into the

analysis. These projects include the County's proposed 1990-1994 road construction program as listed in the Capital Improvements Plan and presented in Table 19; other projects identified in the MPO's Transportation Improvement Program; and State projects in FDOT's Five Year Work Program.

Table 19: Proposed Construction Program, 1990-1994

Facility	Description	Facility Type	Facility Location
<b>1990</b>			
Airport Connector	Const 4L	Maj Art	DeSoto Road to University Parkway
Albee Farm Road	Const 4L	Collect	U.S. 41 Bypass to Laurel Road
McIntosh Road	Const 4L	Min Art	Bee Ridge Road to Bahia Vista Street
<b>1991</b>			
Proctor Road	Const 4L	Min Art	Beneva Road to McIntosh Road
Bahia Vista Street	Const 4L	Min Art	Beneva Road to McIntosh Road
University Parkway	Const 4L	Maj Art	U.S. 301 to I-75
Dearborn Street	Const 4L	Min Art	Indiana Avenue to Pine Street
Lockwood Ridge Road	Const 2L	Collect	Gypsy Street to Wilkinson Road
Ortiz Boulevard	Reconst	Collect	U.S. 41 Intersection
<b>1992</b>			
Webber Street	Const 4L	Collect	McIntosh Road to Cattlemen Road
Pine Street	Const 2L	Maj Art	Keyway Bypass to U.S. 41
Tuttle Avenue	Reconst 4L	Min Art	Siesta Drive to 17th Street
<b>1993</b>			
Honore Avenue	Const 4L	Maj Art	Clark Road to Bee Ridge Road
Myrtle Street	Const 2L	Collect	U.S. 301 to Lockwood Ridge Road
Pinebrook Road	Const 4L	Maj Art	Center Road to North City Limits
<b>1994</b>			
Capri Isles Boulevard	Const 4L	Collect	City Limits to Laurel Road
Center Road	Const 4L	Maj Art	Jacaranda Blvd. to Plantation Blvd.
Laurel Road	Const 4L	Maj Art	Albee Farm Road to Haul Road
Longmeadow Drive	Const 4L	Collect	17th Street to Honore Avenue

Note: This list includes only proposed major new construction or reconstruction projects; resurfacing and widening projects are included in the Capital Improvements Chapter. Projected 1994 Levels of Service for roadways in Sarasota County, assuming the completion of this program, are depicted on Figure 41.

Source: Sarasota County Planning Department, 1988.

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Major capacity enhancing road projects scheduled during the next five years by the Florida Department of Transportation include completion of the Fruitville Road widening project; widening U.S. 41 to six lanes from Proctor to Stickney Point; widening of S.R. 72 (Clark Road) to six lanes from U.S. 41 to I-75 and the four laning of S.R. 775 from the Charlotte County line to Dearborn Street.

Future traffic volumes were projected for this 1994 road network by applying growth factors to past trends. A summary of this LOS analysis is provided in Appendix E, Section 2. If all of the assumptions made in this 1994 evaluation procedure hold true, roadways listed in Table 20 are projected to be deficient in 1994 and shown on Figure 41.

Some of the projected 1994 deficient roadways are currently operating at or above LOS "C" peak hour, based on a 100th hour design criteria, or, where applicable, the adopted FDOT LOS standard. At this time, these roadways do not warrant special consideration as constrained or backlogged facilities. The roadways which are listed in both Table 18 and in Table 20 are the only ones that meet the definition of constrained or backlogged facilities.

### Year 2010 Future Thoroughfare Plan

The Sarasota County Year 2010 Future Thoroughfare Plan, which identifies the general location and type of roadways needed to accommodate the traffic circulation system needs through the year 2010, is presented on the "Future Land Use Plan Map, Sarasota County - 2010", Figure 42: Year 2010 Future Thoroughfare Plan (Functional Classification), Figure 43: Year 2010 Future Thoroughfare Plan (By Lanes) and in Appendix E, Section 3. The Year 2010 Future Thoroughfare Plan utilizes a functional classification system more closely designed to recognize the County road system than the FDOT classification system discussed earlier. This more localized functional classification system is a minor expansion of the classification system used in the 1981 ~~Appendix~~ Traffic Circulation Plan by using six types of roadways in Sarasota County: freeways/expressways, major

Table 20: Projected 1994 Deficient Roadways By Jurisdiction

Roadway Name	Length	LOS
<b>Sarasota County</b>		
1. Beach Road	1.2	F
2. Beneva Road	3.7	D
3. Beneva Road	1.0	E
4. Beneva Road	2.7	F
5. Ocean Boulevard	2.4	F
6. River Road	3.0	D
7. Shade Avenue	1.0	E
8. Shade Avenue	.7	F
9. Tuttle Avenue	.5	E
10. Tuttle Avenue	1.3	F
11. I-75 (S.R. 93)	5.5	D
<b>FDOT</b>		
12. Higel Avenue	1.0	F
13. Midnight Pass Road	1.2	F
14. Ringling Causeway	1.1	F
15. Siesta Drive	1.4	F
16. S.R. 775	2.6	F
17. U.S. 301	4.1	F
18. U.S. 41	2.5	E
19. U.S. 41	15.7	F
20. U.S. 41 By-Pass	2.9	F
21. U.S. 41 By-Pass	.35	E

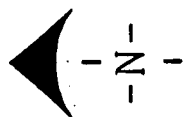
Source: Sarasota County Planning Department, 1988.

arterials, minor arterials, major collectors, minor collectors and local roads. Each of these categories of roadways is discussed below:

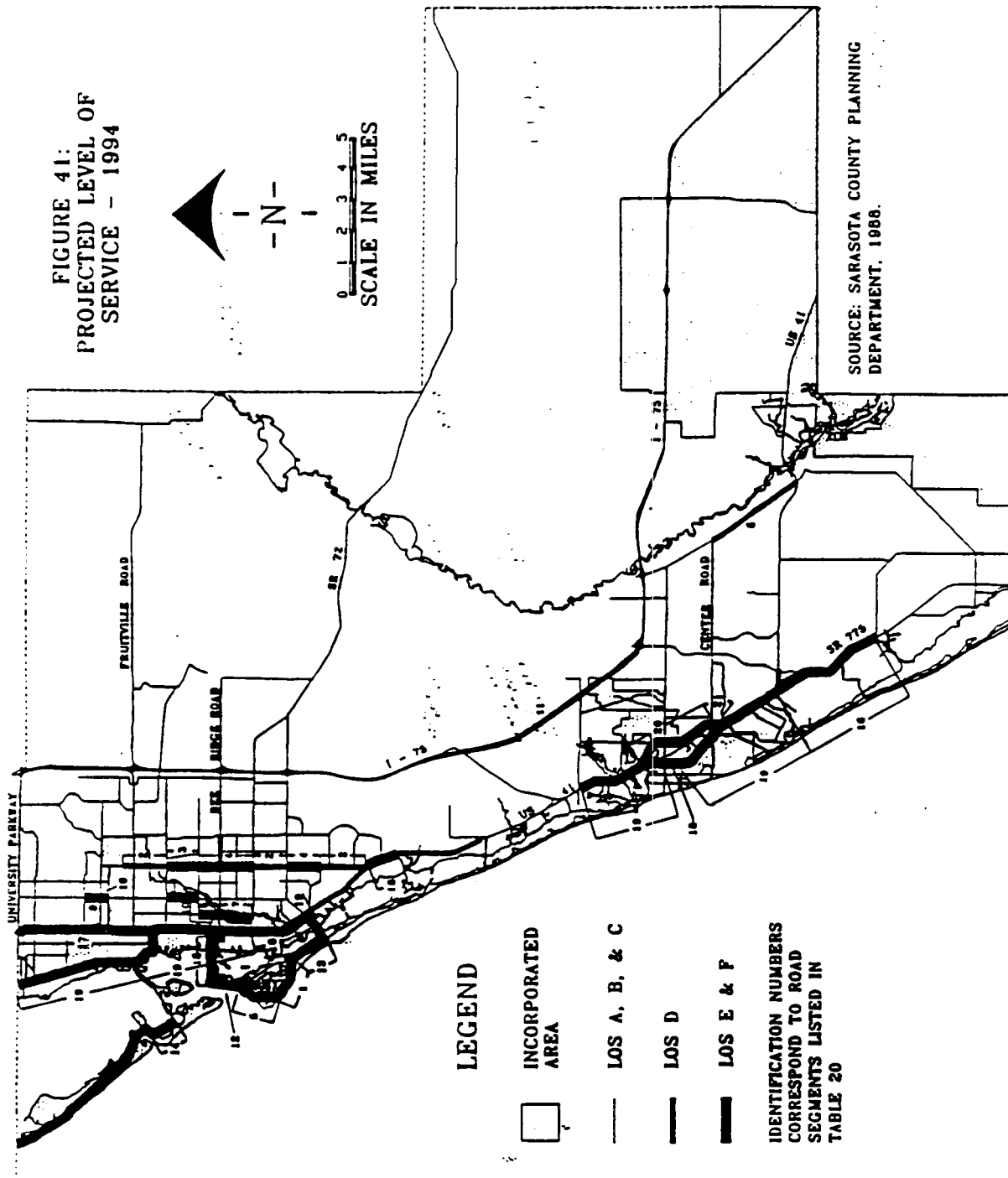
- Freeways/Expressways are controlled access facilities with grade separated intersections providing for interregional and/or interstate travel at high operating speeds. Typically, expressways accommodate high volumes of traffic.

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FIGURE 41:  
PROJECTED LEVEL OF  
SERVICE - 1994



0 1 2 3 4 5  
SCALE IN MILES



SOURCE: SARASOTA COUNTY PLANNING  
DEPARTMENT, 1988.

LEGEND

INCORPORATED  
AREA

LOS A, B, & C

LOS D

LOS E & F

IDENTIFICATION NUMBERS  
CORRESPOND TO ROAD  
SEGMENTS LISTED IN  
TABLE 20

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- Major Arterials facilitate relatively long trip lengths at moderate to high operating speeds with somewhat limited access to adjacent properties. Major arterials generally serve major centers of activity in urban areas and have the highest traffic volume corridors.
- Minor Arterials provide somewhat shorter trip lengths than major arterials and generally interconnect with and augment major arterial routes at moderate operating speeds, and allowing somewhat greater access to adjacent properties than major arterials.
- Major Collectors collect and distribute significant amounts of traffic between arterials, minor collectors and local roads at moderate to low operating speeds. Major collectors provide for more accessibility to adjacent properties than arterials.
- Minor Collectors collect and distribute moderate amounts of traffic between arterials, major collectors and local roads at relatively low operating speeds with greater accessibility than major collectors.
- Local Roads generally provide access to abutting properties. Local roads possess relatively low traffic volumes, operating speeds and trip lengths and minimal through traffic movements.
- The overall traffic circulation system should be viewed in terms of the interrelated modes of travel, including not only the automobile but also pedestrian, bicycle and mass transit. Recognizing the interrelationships among all modes of travel will increase the effectiveness of the overall thoroughfare system in providing for the movement of goods and people.
- Consistency with the Environment Plan regarding facilities on the barrier islands and in the Coastal High Hazard Areas will reduce the need to maintain facilities subject to repeated storm damage and discourage further intensification of development in these areas.
- Development of a future right-of-way protection and acquisition program will ensure sufficient rights-of-way (ROW) will be protected for future use by identifying, where possible, future needed ROW, committing funds for acquiring such ROW and designating minimum ROW needed by facility type.
- The development of standards for controlling vehicular access onto major thoroughfares, and for providing for safe vehicular accessways within developments will assist in providing for a safe, convenient and efficient traffic circulation system.
- The coordination of the Sarasota County Traffic Circulation Plan with the plans of the State, the Regional Planning Council, the local Metropolitan Planning Organization and adjacent jurisdictions will ensure that the regional thoroughfare issues are addressed.
- The establishment of programs to develop a data base on bicycle travel and pedestrian movement would be instrumental in future pedestrian and bicycle planning.
- The development of an accident frequency data base would be useful in identifying needed intersection and roadway improvements.

## Planning Options

- The establishment of minimum acceptable Level of Service (LOS) standards is essential for preserving and enhancing the Sarasota County thoroughfare system. There is, however, a need to recognize the constraints preventing the attainment of the desirable LOS due to physical or financial limitations or the lack of jurisdictional responsibility.

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- The adoption by Sarasota County of Impact Management Plans for those State facilities below the FDOT LOS and for County facilities below LOS C "peak hour" will ensure that such roadways will not be further degraded by development. Such plans will include the identification of strategies to be used to mitigate the impacts of development; the identification of means to improve the LOS; commitments for funding necessary improvements; and the identification of long range plans to eliminate LOS deficiencies.

## **Constraints**

---

- Two principal constraints in obtaining an overall acceptable LOS on the thoroughfare system are the funding of the needed improvements and the ability to construct the needed system improvements concurrent with the system needs.
- In addition to being required to establish minimum operating LOS for State facilities for which the County has neither the funding nor scheduling authority for necessary improvements, the County is charged with assuring that LOS on those facilities do not fall below the FDOT LOS. The difficulty in attempting to maintain or improve the LOS on State facilities is further compounded because it cannot be assumed that LOS is a direct result of local development only.

# Traffic Circulation Plan

## Goal 1

*It shall be the Goal of Sarasota County to develop and maintain a safe, convenient, efficient transportation system which: recognizes present need; reflects the Future Land Use Plan and the plans of adjacent jurisdictions; provides for an affordable balance of alternative transportation modes; and respects the integrity of environmentally sensitive areas:*

### Objective 1.1

Development of a future thoroughfare system, consistent with the adopted Year 2010 Future Thoroughfare Plan and Maps, shall be based on the Future Land Use Plan and coordinated with the plans of adjacent jurisdictions.

#### *Policy 1.1.1.*

Develop a Countywide Road Construction and Maintenance Program to provide for the construction and maintenance of a thoroughfare system consistent with the adopted Year 2010 Future Thoroughfare Plan and Maps (Figure 42: Year 2010 Future Thoroughfare Plan - Functional Classification; Figure 43: Year 2010 Future Thoroughfare Plan - By Lanes; and Appendix E, Section 3).

Additionally, where possible the Countywide Road Construction and Maintenance Program should:

- be economically feasible to construct;
- accommodate pedestrians and bicyclists;
- balance the need for roadway projects based on road conditions and level of service standards with the need for roadway projects to accommodate future needs; and

- include an annual component consisting of signalization, timing and other types of systems management improvements as a means to attain a more efficient level of service, and site specific safety improvements.

#### *Policy 1.1.2.*

Develop a comprehensive traffic analysis system by 1990 to monitor and analyze traffic and road conditions on an ongoing basis in order to assess the need for revisions to the Year 2010 Future Thoroughfare Plan and Maps, the Countywide Road Construction and Maintenance Program or the need for new or increased transit service. The monitoring and analysis program shall:

- include a continual inventory of County-owned and maintained roads in the County thoroughfare system;
- be capable of assessing the impacts of proposed developments on roadway system levels of service;
- be capable of monitoring traffic conditions and investigating the application of traffic system management (TSM) techniques to maintain the function of the existing and future thoroughfare system, and increase its efficiency; and
- include the analysis of applicable accident frequency data.

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*Policy 1.1.3.*

All construction and maintenance of the thoroughfare system shall be consistent with the Environment Plan specifically with regard to:

- discouraging where possible the maintenance of transportation facilities in Coastal High Hazard Areas subject to repeated storm damage and considering the relocation of such facilities which are determined to be in the best interest of the public health, safety and welfare; and
- discouraging the expansion of existing transportation facilities on or onto the urbanized Barrier Islands unless: a) the expansion will not encourage the further development on the Barrier Islands; b) the expansion will provide for the safe movement of traffic; and c) the expansion will assist in the safe evacuation of the resident and seasonal population.

*Policy 1.1.4.*

Coordinate with the Sarasota-Manatee Metropolitan Planning Organization, Florida Department of Transportation, and the Federal Highway Administration to investigate the need and feasibility for designating a new interchange in the Year 2010 Future Thoroughfare Plan and Maps in the vicinity of the extension of Livingstone Street at I-75. However, this is not intended to conflict with or delay the planned construction of the Laurel Road Interchange at I-75.

Objective 1.2

Sarasota County shall provide for the protection and acquisition of existing and future rights-of-way.

*Policy 1.2.1.*

Sarasota County shall adopt and implement an advanced right-of-way acquisition program within one year of the adoption of Apoxsee as amended.

*Policy 1.2.2.*

The Capital Improvements Chapter and Plan shall contain a line item each year for advanced right-of-way acquisition.

*Policy 1.2.3.*

Sarasota County shall adopt a program to protect existing and future rights-of-way within one year of the adoption of Apoxsee, as amended.

Objective 1.3

Sarasota County shall provide for a safe, convenient and efficient traffic circulation system.

*Policy 1.3.1.*

Sarasota County shall adopt and maintain a Level of Service (LOS) standard of "C" peak hour, based on a 100th hour design criteria (hereafter referred to as LOS "C"), for all County maintained arterials and collectors except those roadways which have been designated as either constrained or backlogged facilities. Constrained County facilities are defined as roadways operating below LOS "C" which are not capable of attaining LOS "C" because prohibitive costs or environmental limitations prevent the construction of at least two additional through lanes. Backlogged County facilities are defined as roadways operating below the LOS "C" standard which do not have prohibitive financial or environmental constraints but are not scheduled for major capacity improvements in the County's Five-Year Schedule of Capital Improvements (Table 80 in the Capital Improvements Chapter). For the purpose of implementing this Policy, the designated constrained and backlogged County facilities are listed in Table 21.

*Policy 1.3.2.*

Sarasota County shall adopt the same operating level of service standards, as adopted by the Florida Department of Transportation in Standards #525-000-005-a, with an effective date of November 28, 1988, for all State maintained roadways affected by land use decisions in the unincorporated areas of Sarasota County. Florida Department of Transportation Standards #525-000-005-a is provided for reference in Ap-

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pendix E, Section 4. Any future changes in the State operating level of service standards by the Florida Department of Transportation will require consideration of a Comprehensive Plan amendment to ensure continued consistency with State standards. For the purposes of implementing this Policy, the designated constrained and backlogged State facilities are listed in Table 21.

### *Policy 1.3.3.*

The review and approval of development orders shall ensure that such approval will not degrade the LOS of those constrained and backlogged roadways specified in Table 21, below that which exists on the date this Plan takes effect. For those roadways experiencing a Level of Service "F" on the effective date of the Plan, degradation of LOS shall be determined by specific operating thresholds, such as an average travel speed or volume/capacity ratios which will be adopted by Ordinance as part of the County's Concurrency Management System.

### *Policy 1.3.4.*

Sarasota County shall adopt Impact Management Plans for all roadways designated as constrained or backlogged facilities in order to maintain the existing LOS on those roadways and to ensure that it is not further degraded. Impact Management Plans for each roadway shall include specific provisions for mitigating impacts and shall be coordinated with the Sarasota-Manatee Metropolitan Planning Organization, the Southwest Florida Regional Planning Council, the Florida Department of Transportation, and any other affected jurisdictional entity. Such plans shall be reviewed by the Sarasota County Planning Commission and adopted by the Sarasota County Board of County Commissioners.

### *Policy 1.3.5.*

Sarasota County shall develop a uniform access control plan for thoroughfare facilities within Sarasota County within two years of the adoption of Apexsee as amended.

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### *Policy 1.3.6.*

The Sarasota County Land Development Regulations and the Sarasota County Zoning Ordinance shall be reviewed and amended as necessary to ensure safe internal travel and parking of motorized and non-motorized vehicles in accordance with the requirements of Chapter 163, Part II, Florida Statutes, as the same may be amended.

### *Policy 1.3.7.*

Encourage unmaintained publicly owned substandard roads to be brought up to County standards. Where possible, encourage the establishment of Public Improvement Districts to provide funding for such road improvements.

### *Policy 1.3.8.*

All subdivisions utilizing private roads shall provide for the maintenance of such roads. Approval of all new subdivisions shall require sufficient proof of the ability to maintain private roads.

### *Policy 1.3.9.*

Control vehicular access onto arterials and collectors in order to reduce existing or potential congestion problems. Whenever possible, minimize access points by encouraging shared access.

### Objective 1.4

Provide for the safe and convenient non-motorized travel.

### *Policy 1.4.1.*

All new construction and reconstruction of collector and arterial roadways shall, where feasible, provide not less than 14 foot curb lanes, 4 foot paved shoulders, or other bicycle paths consistent with the Florida Department of Transportation Bicycle Facilities Planning and Design Manual.

*Policy 1.4.2.*

Include provisions in the Zoning Ordinance to encourage unified developments to provide for bicycle paths and safe pedestrian movement in their plans consistent with guidelines and standards contained in the Land Development Regulations.

*Policy 1.4.3.*

Include provisions in the Land Development Regulations so that all new construction and reconstruction of collector and arterial roadways shall provide for safe pedestrian movement.

*Policy 1.4.4.*

All new residential subdivisions with residential lots one acre or less in size shall provide for pedestrian access.

*Policy 1.4.5.*

All schools, parks and recreation facilities and planned developments shall provide pedestrian and bicycle access.

**Objective 1.5**

All traffic circulation plans and programs shall be coordinated with the plans and programs of the State, the Region, the local Metropolitan Planning Organization and other local jurisdictions.

*Policy 1.5.1.*

The Traffic Circulation Plan and Year 2010 Future Thoroughfare Plan shall consider:

- the plans of the Florida Department of Transportation;
- the long range plans of the Sarasota-Manatee Metropolitan Planning Organization; and
- the Traffic Circulation Plans of the Cities of Sarasota, Venice, North Port and the Town of Longboat Key and the Counties of Manatee, DeSoto and Charlotte.

*Policy 1.5.2.*

The development of a future thoroughfare system should, to the greatest degree possible, consider:

- the State's adopted Five Year Work Program;
- the transportation programs of the Cities of Sarasota, Venice, North Port and the Town of Longboat Key; and
- the transportation programs of adjacent jurisdictions.

*Policy 1.5.3.*

Sarasota County shall coordinate with the Sarasota-Manatee Metropolitan Planning Organization in the development of their long range needs plan and in the annual Transportation Improvements Program.

*Policy 1.5.4.*

Coordinate with the Florida Department of Transportation and the Sarasota-Manatee Metropolitan Planning Organization in revising the functional classification of Sarasota County roadways.

**Objective 1.6**

Existing neighborhood environments, their cohesion, and integrity, shall be specifically considered in the development of the Year 2010 Future Thoroughfare Plan, and in individual roadway projects.

*Policy 1.6.1.*

Public involvement shall be assured by a presentation to neighborhood and/or other groups by County staff, during the development stage for each roadway project involving reconstruction or new multi-laning.

*Policy 1.6.2.*

Arterial roadways shall be designed to prohibit traffic intrusion into adjacent neighborhoods. Project specific measures to minimize such intrusion may include closure of lower classified streets to through traffic, diversion, or other operational changes.

**Objective 1.7**

Consider the aesthetics of roadway corridors in the development of roadway projects.

**Policy 1.7.1.**

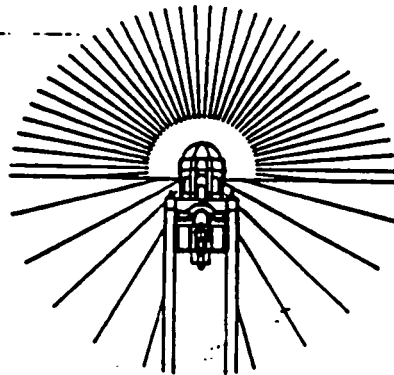
Promote the landscaping of multi-lane roadways, via the Street Tree and other applicable programs, considering traffic safety, right-of-way availability, and the affordability of capital and maintenance costs. Where adequate right-of-way exists or can be acquired, landscaped medians shall be the preferred type of center component of roadway sections.

**Policy 1.7.2.**

Whenever possible, perform a visual impact analysis, consisting of an assessment of existing features, superimposition of project features, and identification of any significant opportunities for enhancing the roadway viewshed, and/or mitigating impacts.

**Policy 1.7.3.**

Right-of-way acquisition for arterial roadways shall include, where feasible, sufficient land for either preservation or development of buffers. The following uses shall be permitted within buffers: noise walls, screens, or berms; landscaping; facilities for pedestrian, equestrian, or bicycle use; underground utilities; drainage systems components; safety appurtenances; and other environmental mitigation measures.



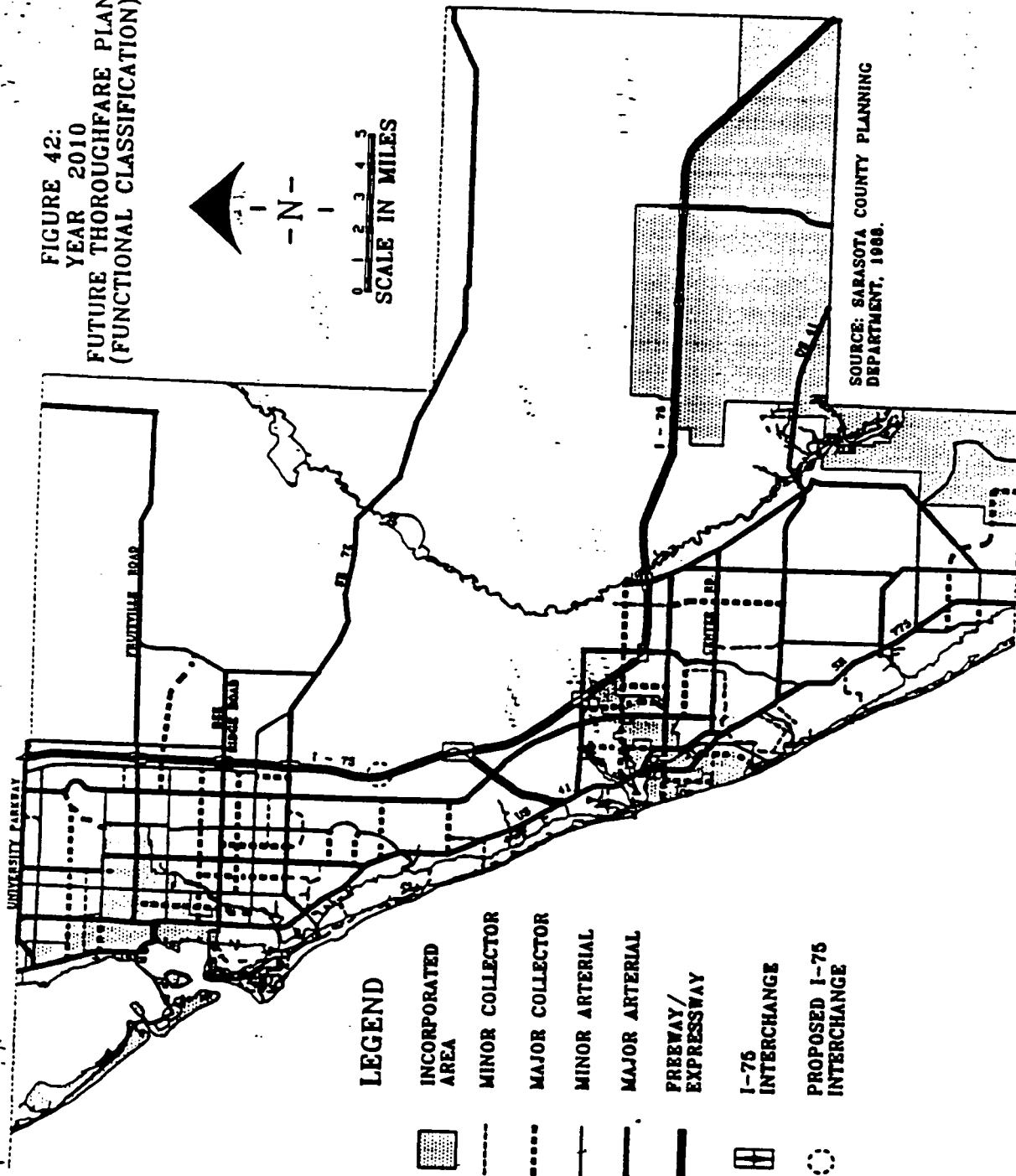
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Table 21: Designated Constrained and Backlogged Facilities in Sarasota County

Facility	Location	Length	Sarasota County Adopted LOS
<b>Sarasota County</b>			
Beneva Road	Sarasota Square Boulevard to U.S. 41	.50	D
Beneva Road	Bee Ridge Road to Wilkinson Road	.50	D
Beneva Road	Webber Street to Bee Ridge Road	.65	F
Beneva Road	Wilkinson Road to Proctor Road	.50	F
Tuttle Avenue	27th Street to 17th Street	.50	D
Tuttle Avenue	17th Street to 12th Street	.25	F
Beach Road	Ocean Boulevard to Midnight Pass Road	1.20	E
Shade Avenue	Bee Ridge Road to Proctor Road	1.65	E
River Road	Center Road to U.S. 41	3.00	D
<b>FDOT</b>			
U.S. 301 (S.R. 683)	Fruitville Road to U.S. 41	.70	E
U.S. 301 (S.R. 683)	DeSoto Road to Fruitville Road	2.90	F
Englewood Road (S.R. 775)	U.S. 41 to Manasota Beach Road	2.55	F
Higel Avenue (S.R. 758)	Siesta Drive to Midnight Pass Road	.95	F
Midnight Pass Road (S.R. 758)	Beach Road to Stickney Point Road	1.20	F
Siesta Drive (S.R. 758)	Higel Avenue to Osprey Street	1.35	F
U.S. 41 By-Pass	U.S. 41 to Venice Avenue	1.10	E
U.S. 41	County Line to General Spatz Boulevard	.20	E
U.S. 41	Shamrock Boulevard to S.R. 775	2.20	E
U.S. 41	Proctor Road to Stickney Point Road	1.80	E
U.S. 41	Colonia Avenue to Venice Avenue	1.40	F
U.S. 41	Turlin Street to Shamrock Boulevard	2.30	F
Source: Sarasota County Planning Department, 1988.			

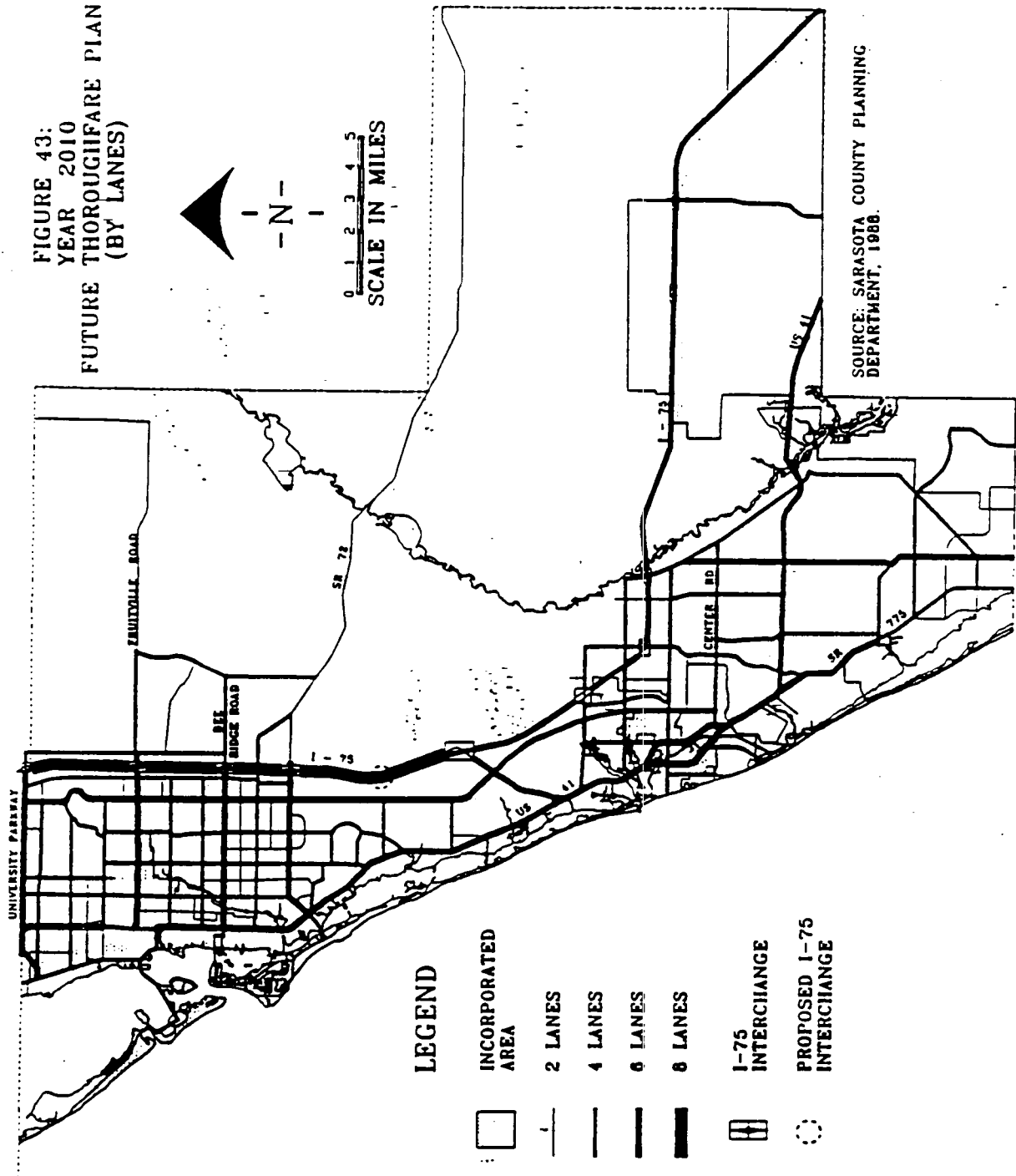
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FIGURE 42:  
YEAR 2010  
FUTURE THOROUGHFARE PLAN  
(FUNCTIONAL CLASSIFICATION)



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FIGURE 43:  
YEAR 2010  
FUTURE THOROUGHFARE PLAN  
(BY LANES)



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## Endnotes

1. Florida Department of Transportation, "Suburban Job Growth: Florida's Second Suburban Tidal Wave," 1987.

2. Florida Department of Transportation, 1986, page vi.

3. Florida Department of Transportation, "Policy Topic No. 525-000-0005-a", 1988.



# CHAPTER 11

## CAPITAL IMPROVEMENTS

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# CHAPTER 11

## CAPITAL IMPROVEMENTS

### Introduction

#### Purpose

The purpose of the Capital Improvements Chapter, or Element, (CIE) is to fulfill the mandates of both Chapter 163, Florida Statutes, and Rule 9J-5, Florida Administrative Code: that is, to prepare an element that sets out the infrastructure requirements of the comprehensive plan elements and identifies ways to fund these requirements. The resulting element, by identifying both required expenditures for satisfying the infrastructure needs of existing and future population, and by identifying viable revenue sources to fund these needs, thus demonstrates the financial feasibility of the Comprehensive Plan.

#### Relationship of the CIE to the Capital Improvements Program

The CIE includes only those public facility types that are required in Rule 9J-5, Florida Administrative Code. These facility types are: 1) traffic circulation; 2) sanitary sewer; 3) potable water; 4) solid waste; 5) parks and recreation; and 6) drainage. The Sarasota County Capital Improvements Program (CIP) includes both the public facility types to be included in the CIE, as well as those public facility types not required by Rule 9J-5. These additional public facility types are general government facilities (i.e., court buildings, administrative buildings, fleet management facilities, etc.), fire and rescue services, and libraries.

#### The CIE and Level Of Service (LOS) Provisions

The most significant aspect concerning the Growth Management Act of 1985 and 1986, as amended, is the provision calling for local governments to set Levels of Service (LOS) for those facility types required in the CIE. Local governments must maintain the adopted LOS standards for both existing and future populations. Such LOS standards must be balanced between community goals, or "quality of life" considerations, on the one hand, and with fiscal reality, or affordability, on the other. If the adopted LOS standards are not maintained through the implementation of the Plan, then local governments have the responsibility of denying additional development permits. This situation—a development moratorium—can best be avoided by setting reasonable and affordable LOS standards and by developing implementing regulations which provide some degree of flexibility.

#### Format

This Chapter is structured generally to coincide with the requirements of Rule 9J-5, Florida Administrative Code. That is, four main sections will be presented: 1) an "Inventory" section, which includes those requirements under 9J-5.016(1), "Capital Improvements Data Requirements"; 2) an "Analysis" section, which subsumes those requirements included under 9J-5.016(2), "Capital Improvements Analysis Requirements"; 3) a "Capital Improvements Plan" section, covering 9J-5.016(3), "Requirements for Capital Improvements Goals,

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Objectives, and Policies"; and, finally, an "Implementation" section, covering 9J-5.016(4) and 9J-5.016(5), "Requirements for Capital Improvements Implementation" and "Requirements for Monitoring and Evaluation," respectively.

## Inventory

### **Local Practices Which Guide the Timing and Location of Construction, Extension, or Increase in Capacity of Public Facilities**

**Land Development Regulations.** Ordinance No. 81-12, as amended, the County's Land Development Regulations (LDR), by regulating the subdivision of land and the site development process for non-residential land uses, has an important bearing on the timing and location of public facilities. Specifically, the Ordinance states that land shall not be subdivided or developed until provision has been made for public facilities and improvements as stipulated in the Ordinance. The issuance of a building permit is contingent on conforming to the Land Development Regulations; therefore, rezonings, special exceptions, Sector Plans, Developments of Regional Impact (DRI's), and any other development which would result in the new subdivision or development of land, must thus conform with the LDR. The Ordinance includes standards and specifications for such public facilities as streets, stormwater management, potable water systems, sanitary sewer systems, and other utilities.

**Special District Establishment Program.** Ordinance 84-45 (and the Sarasota County Charter) provides a mechanism whereby subdivisions, neighborhoods, or other geographical subareas may petition the Board of County Commissioners to establish a Public Improvement District, Special Tax Lighting District, Municipal Service Taxing Unit (MSTU), or Special District for such purposes as road improvements, street lighting services, drainage improvements, potable water services, and other types of public facilities.

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**Public Facilities Financing Ordinance.** Ordinance No. 83-24, as amended, also called the "MSTU Ordinance," provides a funding mechanism for road and park improvements by levying a special assessment upon new development. The Ordinance functions in a manner similar to an "impact fee," since the assessment is in proportion to the "impact" that a given development has on the park and/or road systems. The Ordinance includes listings of specific park and road projects scheduled over a five-year period. By providing a funding commitment and a time schedule to these projects, the Ordinance has a definite relationship to the timing and location of public facilities.

**Sarasota County Comprehensive Plan (Apocsee).** The Comprehensive Plan, especially, the Future Land Use Chapter, guides the location and intensity of land use activity in the unincorporated area of the County. This, in turn, affects decisions on the timing and location of public facilities. Apocsee implementation programs and techniques, such as Critical Area Study Plans and the Urban Area Residential Checklist and Urban Area Residential Density Matrix (i.e., the "point system"), also affect public facilities provision by conditioning development activity on the availability of adequate public facilities. Rezoning applications and Sector Plans often include stipulations for public facility provisions that are based on the Comprehensive Plan.

### **Existing Revenue Sources and Funding Mechanisms**

The following are major revenue categories found in Sarasota County's annual budget (Note: All budget figures are shown as "net" revenues; i.e., at 95 percent).

#### **Ad Valorem Taxes**

In recent years in Sarasota County, there has been a tendency to minimize ad valorem taxes and to look toward other revenue sources, such as "user fees." For Fiscal Year 1987-88, Countywide ad valorem tax millages and their corresponding budgeted amounts were as follows:

General Fund	2.971	\$30,026,487.
Trans. Trust Fund	.4277	\$4,271,885.
Mosquito Control Fund	.0551	\$558,176.
Consolidated Bonds	.2909	\$2,940,053.
Open Space Bonds	.0616	\$622,293.
<b>Total Countywide:</b>	<b>3.8063</b>	<b>\$38,418,894.</b>

It should be noted that, pursuant to Section 4.3.F. of the Sarasota County Charter, the ad valorem tax levy is restricted to a 10 percent increase relative to the previous year; however, the voters may approve, through the holding of a special Countywide referendum, an increase in excess of 10 percent.

#### *Florida Power and Light (FPL) Franchise Fees*

This revenue source is dependent upon the growth of FPL customers. For Fiscal Year 1987-88, \$7.158 million was anticipated from this source. In addition, this revenue is being used to pay off a revenue bond (Franchise Tax Series 1978), which will be defeased in 1989. In general, this revenue source can be expected to grow in proportion to population growth in the unincorporated area.

#### *Gas Taxes*

Gas taxes consist of: 1) 5th and 6th cent gas tax (or "Constitutional gas tax"); 2) the State levied one cent gas tax; 3) the local option 6-cent gas tax; and 4) the one cent voted gas tax, which was approved by Sarasota County voters on March 8, 1988. In the current fiscal year (1988-89), these sources were budgeted as follows (with the exception of the 1988 voted gas tax):

5th and 6th Cent Gas Tax	\$1,725,000.
7th Cent Pour Over Trust Fund	\$958,000.
Local Option 6 Cent Gas Tax	\$4,554,000.
<b>Total Gas Taxes:</b>	<b>\$7,237,000.</b>

It is projected that the one cent voted gas tax will generate about \$716,000 for Fiscal Year 1989. Gas tax revenues are used for road construction and maintenance and are budgeted within the Transportation Trust Fund.

#### *1/2 Cent Sales Tax*

This is a State-shared revenue, which in FY88-89 is expected to yield an estimated \$12,437,200. About \$4,750,000 of this amount will be earmarked to pay debt service on three sales tax revenue bond issues, totaling nearly \$47 million, for the acquisition of the Ringling MacArthur Reserve as a potable water source, as well as for several smaller capital items (Twin Lakes Park acquisition, the South County Administration Center, and Court-house Complex parking garage). The remainder of about \$7.687 million can be used for other purposes, such as operations or capital outlay.

#### *MSTU Special Assessments (Road and Park Impact Fees)*

This category of revenue is derived from the authority of Ordinance No. 83-24, as amended, the County's Public Facilities Financing Ordinance, which has been in effect since November, 1983. This Ordinance authorizes the levy of a one-time special assessment to new residential, commercial, and industrial development for the purpose of funding the construction of road and park capital improvements needed due to the impacts of projected new growth. Although the Ordinance derives its authority from Chapter 125.01, the MSTU enabling legislation, for all intensive purposes, these assessments on new development function in the same manner as "impact fees." A breakdown of collections covering the period from November, 1983 to the end of May, 1988 is as follows:

North County MSTU Roads	\$6,927,832.
South County MSTU Roads	\$2,963,289.
North County MSTU Parks	\$545,103.
South County MSTU Parks	\$631,650.
<b>Total:</b>	<b>\$11,067,874.</b>

In December, 1987, the Ordinance underwent significant revisions through the adoption of Ordinance No. 87-140: 1) the concept of a "rolling" five-year block of projects replaced the "static" block concept; 2) fine-tuning of the projection methodology; 3) the North County MSTU road assessment was increased by 47 percent; and 4) the South County MSTU road assessment was increased by 162 percent.

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### General Obligation Bonds

The County currently has relatively minimal obligations in terms of General Obligation (G.O.) bond issues, with the FY 1987-88 millage for debt service totaling .3525. This includes five separate issues, two being bonds for improvements to Sarasota Memorial Hospital in the 1960s; one bond for courthouse improvements, also in the 1960s; a 1973 issue for beach acquisition; and bonds for the 1986 beach acquisition referendum. In view of the 10-mill limitation set by State Statute, the County possesses extensive G.O. debt capacity. It should be noted, however that Section 4.3.E. of the Sarasota County Charter provides that no single G.O. bond issue exceed \$10,000,000 except by voter referendum.

### Revenue Bonds

Sarasota County is using this financing vehicle to fund a variety of projects, including the acquisition and development of the Ringling MacArthur Reserve as a Countywide potable water resource; the expansion of the County's solid waste management facilities; acquisition of the Kansas City Royals training complex for use as a County recreation facility (Twin Lakes); the construction of a South County administrative/courthouse complex; and the downtown courthouse complex parking garage. Various revenue sources—including FPL franchise fees, 1/2 cent sales tax, solid waste tipping fees, and water system revenues—are pledged to these issues. This funding mechanism provides the County with a great deal of flexibility and ability to finance future capital improvements.

### Special Assessments

Special assessments are collected pursuant to the Municipal Service Taxing Unit (MSTU) enabling legislation (Ch. 125.01 (1)(q)(r), Florida Statutes) and are currently being used for both operating and capital expenses. (Note: This type of Special Assessment is not to be confused with the one-time MSTU Special Assessments levied on new development which was previously described.) For example, residents within the South County Fire District pay a "flat" fee for fire service. Assessment revenues collected in the District go toward

operating costs and the payment of debt service on a \$500,000 note from a private lending source. Money from the note was used to purchase the District's fire apparatus and equipment. Special assessments, in accordance with State law, can be used for a wide variety of purposes, including roads, parks and recreation, law enforcement, fire services, and so on.

### Water Impact Fees

Pursuant to Ordinance 85-90, the County collects impact fees upon connection to the Countywide water system. The money is used for "the acquisition, development, and construction of new facilities or portions thereof required to secure and obtain a water supply and to convey that water to such users." The money can also be "pledged or used for the repayment of bonds" related to the above purposes.

### New Public Education Facilities Planned for CIE Period

Based on the document, "Final Report of the School Construction Advisory Committee," dated April, 1988, and approved by the Sarasota County School Board, various public education facilities are required over the five-year CIE timeframe. These include six new elementary schools and four new middle schools. The general geographic location and construction year are as follows:

Year	Type	Location
1990	Elementary	South Venice area
	Elementary	Booker area
1991	Elementary	Georgetown Subdiv. area
	Middle	Tuttle & 27th St. area
	Middle	South County area
1992	Middle	Ashton/Sawyer area
	Elementary	Palmer Ranch area
1993	Elementary	North County area
	Middle	North County area
1994	Elementary	South County area

According to the report referenced above, these new schools would cost an estimated \$92 million (based on a cost of \$6.5 million per elementary school and \$11 million per middle school).

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## Analysis

### Projected Capital Improvement Costs Based On Other Chapters

Table 67 provides annual capital improvement costs for the period FY90 to FY94 for the required facility types. The Levels of Service (LOS) standards associated with these costs are shown at the bottom of Table 67. The total of project costs for the four facility types shown is \$162,020 million over the FY90-94 CIE period. Tables 68 through 71 provide specific project costs for the various facility types. [Note that all project costs are shown in thousands of dollars.]

It should be noted that no drainage-related costs are shown for the following reasons: 1) a comprehensive stormwater master plan needs to be completed for the entire County; and 2) a "stormwater utility" needs to be established. The Stormwater Utility would rely upon a "user fee" type of approach; that is, each parcel of land would be charged based upon the size of the parcel and its percentage of impervious surface area. The County has begun to take action on the Stormwater

Utility by establishing a Stormwater Management Division within the Transportation Department, in order to set the groundwork for the Stormwater Utility itself. Cost and project information for stormwater improvements will be added to the Capital Improvements Chapter by amendment of the Comprehensive Plan. Detailed information on pending studies and planning relating to drainage is included in the Public Facilities Chapter.

In addition, no costs for sanitary sewer have been included in this Chapter. At the present time, the County has initiated Phase I (the planning phase) of a comprehensive wastewater management program, which is centered on a water resource recovery concept. The objective of the Phase I study is to develop a "master action plan" for implementing the water management approach, previously adopted by the Board of County Commissioners. The Master Action Plan is to be completed by May, 1989. The major tasks of the Phase I study include:

- Inventory existing wastewater collection and treatment facilities within the County;
- Develop a method for phasing out inefficient treatment plants and incorporate existing wastewater facilities into a consolidated Countywide system; develop a

Table 67: Project Cost Summary - All Facility Types

Facility Type	FY90	FY91	FY92	FY93	FY94	Total FY90-FY94
Parks and Recreation (1)	2,362	2,115	2,245	2,279	1,515	10,516
Solid Waste (2)	2,510	2,125	15,395	7,925	2,650	30,605
Potable Water (3)	39,867	3,921				43,788
Traffic Circulation (4)	17,257	17,009	14,944	15,690	12,211	77,111
Totals:	61,996	25,170	32,584	25,894	16,376	162,020

Notes: Dollars shown in Thousands

(1) Designed to achieve 7 acres per 1,000 population developed Park LOS

(2) Development costs associated with construction of new landfill; also, Bee Ridge Landfill closeout capital expenditures. 8.6 lbs. per day per capita LOS

(3) Development costs associated with development of Phase I of Countywide water system; LOS of 200 gallons per Equivalent Dwelling Unit (EDU) per day

(4) Costs necessary to achieve LOS "C peak hour" plus other commitments

Source: Sarasota County Office of Management and Budget, 1988.

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Table 68: Project Cost Summary - Parks and Recreation

Facility	Facility Type	Facility Location	FY90	FY91	FY92	FY93	FY94	Total FY90-FY94
Colonial Oaks	New Community Park	Webber and Honore; Colonial Oaks	247	247			247	741
Woodmere Park	New Community Park	Jacaranda Blvd.; near Alligator Creek	394	394				788
Blind Pass Beach	Metropolitan Park		130	120	90	170		510
Nokomis Beach	Metropolitan Park		105	105				210
Philippi Plantation	Metropolitan Park	Philippi Creek; West of U.S. 41	180	180	130	120		590
Caspersen Mainland	Metropolitan Park		300		500	320	300	1,420
Caspersen Intercoastal	Metropolitan Park							
Sorrento	New Community Park	Specific Location Not Determined				100		100
Unincorp. Area E. of Myakka River and South of I-75	New Community Park	Specific Location Not Determined		50	150	350	250	800
Bay Street Park	New Community Park	Bay Road; East of I-75	107		244		299	650
Longwood Park	New Community Park	Longwood Run Blvd.; S. of Univ. Pkwy.	219	219	219			657
Gulf Gate East	New Community Park	Specific Location Not Determined			212	419	419	1,050
North Co. Special Park	Land Acquisition	Specific Location Not Determined	700	800				1,500
South Co. Special Park	Land Acquisition	Specific Location Not Determined			700	800		1,500
Totals:			2,362	2,115	2,245	2,279	1,515	10,516

Note: Dollars shown in Thousands

Source: Sarasota County Office of Management and Budget, 1988.

system of pumping stations, transmission lines, and regional wastewater treatment plants to serve the County to the year 2020.

- Develop recovered wastewater reuse concepts.
- Prepare environmental, land planning, and permitting strategies for accomplishing the project.

- Develop conceptual designs for regional wastewater treatment facilities.
- Identify project financing options and assess economic impacts on users of the Countywide system.
- Compile study results into a Master Wastewater Resource Recovery Plan of Implementation.

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Table 69: Project Cost Summary - Solid Waste

Facility	Description	FY90	FY91	FY92	FY93	FY94	Total FY90-FY94
Central County Solid Waste Disposal Complex	Development of New Landfill on Walton Tract (1)	1,550	1,165	14,435	6,965	1,690	25,805
Bee Ridge Landfill	Closeout of Landfill (2)	960	960	960	960	960	4,800
<b>Totals:</b>		<b>2,510</b>	<b>2,125</b>	<b>15,395</b>	<b>7,925</b>	<b>2,650</b>	<b>30,605</b>

Note: Dollars shown in Thousands

Source: (1) HDR Techserv, Inc., "Central County Solid Waste Disposal Complex, Preliminary Cost Estimate", May, 1987; (2) Bond Prospectus, Solid Waste System Revenue Bonds, Series 1987.

Table 70: Project Cost Summary - Potable Water

Facility	Description	FY90	FY91	FY92	FY93	FY94	Total FY90-FY94
Development of Countywide Water System (Ringling MacArthur Reserve)	Water Treatment Plant	16,222	3,568				19,790
	Transmission Mains	10,691	118				10,809
	Wellfield Piping, Pumps & Appurtenances	4,424					4,424
	Wellfield Electrical	1,659					1,659
	Wellfield Roadway	3,221					3,221
	Central Access Roadway	3,468	235				3,701
	Engineering	184					184
<b>Totals:</b>		<b>39,867</b>	<b>3,921</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>43,788</b>

Notes: Dollars shown in Thousands

Costs shown above reflect Phase I of water system development; Phase II costs available pending completion of study

Source: Sarasota County Utilities Department, 1988

Cost and project information for sanitary sewer improvements will be added to the Capital Improvements Chapter by amendment of the Comprehensive Plan. Detailed information on pending studies and planning relating to sanitary sewer is included in the Public Facilities Chapter.

### General Fiscal Implications Of Public Facility Needs

The following discussion focuses on the general fiscal implications of the public facility needs summarized in Table 67.

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Table 71: Project Cost Summary - Traffic Circulation

Facility	Description	Facility Type	Facility Location	FY90	FY91	FY92	FY93	FY94	Total FY90-FY94
Alfred Conn.	Const 4L	Maj Art	DeSoto-Union Hwy.	5,100	-	-	-	-	5,100
Albee Farm Rd.	Const 4L	Collect	U.S. 41-Laurel	6,738	-	-	-	-	6,738
McIntosh Rd.	Const 4L	Collect	See Ridge-Bahia Vista	4,418	-	-	-	-	4,418
Annual Signals				150	-	-	-	-	150
Advanced R/W				500	-	-	-	-	500
Bridge Replace.				350	-	-	-	-	350
Proctor Road	Const 4L	Collect	Beneva-McIntosh	-	2,700	-	-	-	2,700
Group B	Misc. Widens/Resurf	Local	Misc. Widens/Resurf	-	1,287	-	-	-	1,287
Bayshore Road	Resurf/Widen 4R	Local	Laurel-Albee	-	233	-	-	-	233
Higel Avenue	Resurf/Widen 4R	Local	Windward-Ocean	-	248	-	-	-	248
Bahia Vista St.	Widen 4L/2 Bridges	Min Art	Beneva-McIntosh	-	2,855	-	-	-	2,855
Dearborn St.	Const 4L	Min Art	Indiana-Pine	-	3,083	-	-	-	3,083
University Hwy.	Add 2L to Ex 2L	Maj Art	U.S. 301-475	-	4,188	-	-	-	4,188
Lockwood Ridge	Const 2L	Local	Gypsy-Windward	-	1,182	-	-	-	1,182
Ortiz Road	Inter. Improve.	Intersect	U.S. 41 Intersection	-	286	-	-	-	286
Annual Signals				-	150	-	-	-	150
Advanced R/W				-	500	-	-	-	500
Bridge Replace.				-	350	-	-	-	350
Pine Street	Const 2L in 6L R/W	Maj Art	Keyway By-Pass-U.S. 41	-	-	5,234	-	-	5,234
Tuttle Avenue	Resurf 4L Div	Min Art	Seas-17th	-	-	3,800	-	-	3,800
Webster Street	Resurf/Const 4L	Collect	McIntosh-Cattlemen	-	-	4,810	-	-	4,810
Annual Signals				-	-	150	-	-	150
Advanced R/W				-	-	500	-	-	500
Bridge Replace.				-	-	350	-	-	350
Honore Avenue	Const 6L Div w/6R	Min Art	Clark-See Ridge	-	-	5,500	-	-	5,500
Myrtle Street	Const 2L in 4L R/W	Collect	U.S. 301-Tuttle	-	-	1,704	-	-	1,704
Pinecrest	Const 4L Expwy	Min Art	Center-H. City Limits	-	-	4,888	-	-	4,888
Annual Signals				-	-	150	-	-	150
Advanced R/W				-	-	500	-	-	500
Bridge Replace.				-	-	350	-	-	350
Design (FY90)				-	-	1,000	-	-	1,000
R/W (FY90)				-	-	1,500	-	-	1,500
Capitol Lake	Const 4L	Collect	City Limits-Laurel	-	-	-	1,737	-	1,737
Center Road	Add 2L to Ex 2L	Min Art	Jessamene-Plantation	-	-	-	3,081	-	3,081
Laurel Road	Add 2L	Min Art	Albee Farm-Haul	-	-	-	2,153	-	2,153
Longmeadow	Add 2L to Ex 2L	Collect	17th-Honore	-	-	-	3,240	-	3,240
Annual Signals				-	-	-	150	-	150
Advanced R/W				-	-	-	500	-	500
Bridge Replace.				-	-	-	350	-	350
Design (FY90)				-	-	-	1,000	-	1,000
Totals:				17,257	17,008	14,944	15,880	12,211	77,111

Notes: Dollars shown in Thousands

Cost Estimates generally based on 100% of FDOT, District 1 cost/mile estimates and include 8% annual inflation factor.

Source: Sarasota County Office of Management and Budget, 1988.

**Traffic Circulation**

As shown in Table 67, needed traffic circulation improvements for the FY90 to FY94 planning period total \$77.111 million. Of this amount, \$29.405 million has been identified as "Non-MSTU" costs, which are "existing deficiency" costs. The remainder of the \$77.111 million has been identified as "MSTU" costs, which are attributable to the

Impacts of new development projected to occur within the North and South County Municipal Service Taxing Units (MSTUs). The North County MSTU cost is \$25.734 million, while the South County MSTU cost is \$21.972 million.

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Since 1983, when the Public Facilities Financing Ordinance (Ordinance No. 83-24, as amended) was adopted by the Board of County Commissioners, the County has committed itself to an ambitious multi-year road construction program. The basis for this program is the concept of funding road improvements through a combination of general, or "Non-MSTU" revenues, and "MSTU" revenues, which are derived from the levying of MSTU Special Assessments upon new development.

### *Parks and Recreation*

The scheduling of \$10.516 million in park improvements from FY90-94 is also based on the MSTU/Non-MSTU concept embodied in the Public Facilities Financing Ordinance. The implications of this program include: 1) an average general fund (or non-MSTU) commitment of \$1.257 million per year; and 2) increases in MSTU park assessments over the levels established in December, 1987 through Ordinance No. 87-140. Table 72 provides

a comparison of costs and revenues for park improvements. It shows a Non-MSTU deficit of \$6.428 million, a North County MSTU deficit of .735 million, and a South County MSTU deficit of .831 million; or, a total shortfall of \$7.994 million.

### *Solid Waste*

Solid waste improvements total \$30.605 million for the planning period. This amount includes \$25.805 as part of the overall development of the Walton Tract as the Central County Solid Waste Disposal Complex. A funding plan has been developed by the County's consultants and consists of an authorized issue of \$80 million of Solid Waste System Revenue Bonds, which are to be backed by solid waste system revenues (i.e., landfill "tipping fees"). In addition, annual costs are shown for the closeout of the Bee Ridge Landfill, totaling \$4.8 million. Table 73 compares costs and revenues for projected solid waste improvements.

Table 72: Park Improvement Costs Versus Revenues

<b>Park Improvement Program Costs</b>	<b>FY90</b>	<b>FY91</b>	<b>FY92</b>	<b>FY93</b>	<b>FY94</b>	<b>Total FY90-FY94</b>
Non-MSTU	1,468	1,335	1,340	1,358	927	6,428
MSTU - North	456	497	193	185	229	1,560
MSTU - South	438	283	712	736	359	2,528
<b>Total Program Costs:</b>	<b>2,362</b>	<b>2,115</b>	<b>2,245</b>	<b>2,279</b>	<b>1,515</b>	<b>10,516</b>
<b>Available Revenues</b>						
Non-MSTU	0	0	0	0	0	0
MSTU - North	135	149	163	180	198	825
MSTU - South	278	306	336	370	407	1,697
<b>Total Estimated Revenues:</b>	<b>413</b>	<b>455</b>	<b>499</b>	<b>550</b>	<b>605</b>	<b>2,522</b>
<b>Program Costs Vs. Revenues</b>						
Non-MSTU	(1,468)	(1,335)	(1,340)	(1,358)	(927)	(6,428)
MSTU - North	(321)	(348)	(30)	(5)	(31)	(735)
MSTU - South	(160)	23	(376)	(366)	48	(831)
<b>Total Surplus (Deficit):</b>	<b>(1,949)</b>	<b>(1,660)</b>	<b>(1,746)</b>	<b>(1,729)</b>	<b>(910)</b>	<b>(7,994)</b>

Notes: Dollars shown in Thousands

Park Improvement Program Costs from Table 68, Capital Improvements Chapter

Source: Sarasota County Office of Management and Budget, 1988.

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Table 73: Solid Waste Improvement Costs Versus Revenues

Estimated Costs	FY90	FY91	FY92	FY93	FY94	Total FY90-FY94
Development of Walton Tract	1,550	1,165	14,435	6,965	1,690	25,805
Bee Ridge Landfill Closeout	960	960	960	960	960	4,800
Debt Service	3,480	4,160	4,163	4,894	5,138	21,835
<b>Total Program Costs:</b>	<b>5,990</b>	<b>6,285</b>	<b>19,558</b>	<b>12,819</b>	<b>7,788</b>	<b>52,440</b>
<b>Available Revenues:</b>						
Bond Proceeds	1,550	1,165	14,435	6,965	1,690	25,805
User Charges (Tipping Fees)	4,440	5,120	5,123	5,854	6,098	26,635
<b>Total Estimated Revenues:</b>	<b>5,990</b>	<b>6,285</b>	<b>19,558</b>	<b>12,819</b>	<b>7,788</b>	<b>52,440</b>
<b>Program Costs Vs. Revenues</b>						
Total Surplus (Deficit)	0	0	0	0	0	0

Note: Dollars shown in Thousands

Source: Bond Prospectus, Solid Waste System Revenue Bond, Series 1987.

### Potable Water

A capital improvements schedule for potable water has been in continuing development since 1982, when a referendum, on the purchase of the Ringling MacArthur Reserve, was held and approved by the public. The fiscal implications of the development of the Ringling MacArthur Reserve and the Sarasota County Utility System consist of the issuance of revenue bonds backed by water system revenues, as well as the continued levying of water impact fees on new development, as it occurs over the planning period. As Table 74 illustrates, revenues for funding Phase I of the development of the water system consist of revenue bond proceeds, impact fees, and revenues from monthly rates charged to system users. Note that costs associated with Phase II of the water system development are not available at this writing, pending the completion of studies on Phase II of the project.

### Road Improvement Program Funding Analysis and Strategy

Table 75 provides revenue and operating expenditure projections for the Transportation Trust Fund, which is the fund in which road improvements are budgeted and expended. The analysis shows the

various Non-MSTU revenue types in the Transportation Trust Fund. These sources include a "contribution" from the General Fund, the various gas tax types, cable franchise TV revenues (which will be dedicated to rights-of-way acquisition), and some miscellaneous revenues. Operating and maintenance needs are then deducted from the total Non-MSTU revenues to arrive at "Non-MSTU Revenues Available for Capital Outlay/Debt Service." Based on the projection assumptions, \$3.5 million remains for Capital Outlay/Debt Service. However, Table 75 also deducts \$3.5 million per year to cover the debt service on a bond issue to cover funding shortfalls in the FY88 and FY89 road programs. With the debt service factored into the analysis, no Non-MSTU revenues remain for capital outlay in the Transportation Trust Fund, given current revenue sources.

In addition, MSTU revenues are projected over the planning period; an important assumption here is that revenues are forecast using a "reduction factor" that adjusts for possible over-projection of non-residential square footage in the MSTU base assessment calculation. In addition, the forecast of MSTU revenues assumes annual 5 percent increases in the base assessment rates for both the North and South County MSTUs. Given this adjust-

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Table 74: Potable Water Improvement Costs Versus Revenues

<u>Estimated Costs</u>	<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93</u>	<u>FY94</u>	<u>Total FY90-FY94</u>
Development of Water System	36,867	3,921				40,788
<b>Total Program Costs:</b>	<b>36,867</b>	<b>3,921</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>40,788</b>
<u>Available Revenues</u>						
Bond Proceeds	34,374	3,740				38,114
Impact Fees	1,367	87				1,454
Monthly Rates	1,126	94				1,220
<b>Total Estimated Revenues:</b>	<b>36,867</b>	<b>3,921</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>40,788</b>
<u>Program Costs Vs. Revenues</u>						
<b>Total Surplus (Deficit):</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Note: Dollars shown in Thousands

Source: Sarasota County Utilities Department, 1988.

ment, revenues of \$16.71 million are forecast over FY90-94 for the North County MSTU and about \$11.14 million are forecast for the South County MSTU.

Table 76 provides an analysis, or comparison, between annual road improvement costs and forecasted revenues. Comparing program costs vs. revenues, the result is a \$29.405 million deficit for the Non-MSTU category; a \$9.024 million deficit for the North County MSTU; and a \$10.832 million deficit for the South County MSTU. The overall deficit for the FY90-94 road program totals 49.262 million.

### Alternative Funding Sources: Local Option Sales Tax and a Special Assessment

#### *Levy on Existing Development*

In order to fund the road and park improvement deficits identified above (a total of \$57.256 million), on February 7, 1989, the Board of County Commissioners in workshop session approved a motion to authorize concurrent Public Hearings on two ordinances. The first ordinance would authorize a referendum on the one-cent "infrastructure" sales tax, to be held so that revenues would be received at the beginning of Fiscal Year 1990 (i.e., beginning

October 1, 1989); the second ordinance would enable the establishment of Municipal Services Taxing Units (MSTUs) in the unincorporated areas, within which special assessments would be levied on existing development beginning in Fiscal Year 1990.

#### *The Local Option Sales Tax*

Pursuant to Ch. 212.055(2), Florida Statutes, the County may levy a discretionary sales surtax of 0.5 percent or 1 percent, provided that the majority of voters approve a referendum enacting such a levy. This levy is known as the "infrastructure surtax" or the "local option sales tax." The levy can only be expended on infrastructure; can be effective for up to a 15-year period; and applies to those items applicable to the State sales tax, with the exception of tangible property above the amount of \$5,000.

Table 77 provides a projection of a full one-cent levy in Sarasota County for the five-year CIE period. An important assumption in Table 77 is that, because of proposed changes in the sales tax enabling legislation, the Sarasota County School District will receive 25 percent of the Countywide sales tax revenues. After deducting 25 percent of the Countywide revenues for schools, the table shows the distribution of the revenues among the County and its municipalities, based on the 1/2 cent sales tax distribution formula currently in use.

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Table 75: Transportation Trust Fund - Fiscal Years 1990-1994 Revenue Projection

<b>Non-MSTU Revenue Type</b>	<b>Proj. FY90</b>	<b>Proj. FY91</b>	<b>Proj. FY92</b>	<b>Proj. FY93</b>	<b>Proj. FY94</b>	<b>Total FY90-94</b>
General Revenue Contribution	3.640	3.830	4.035	4.256	4.494	20.255
Local Option 6 Cent Gas Tax	4.831	4.976	5.128	5.279	5.438	25.650
Local Option 1 Cent Voted Gas Tax	0.737	0.759	0.782	0.806	0.830	3.915
Constitutional 2 Cent Gas Tax	1.830	1.885	1.942	2.000	2.060	9.718
State Levied 1 Cent Gas Tax	1.016	1.047	1.078	1.111	1.144	5.396
Misc. Revenues	0.737	0.759	0.782	0.806	0.830	3.915
Cable TV Franchise Revenues	0.630	0.662	0.695	0.729	0.766	3.481
<b>Non-MSTU Revenue Totals</b>	<b>13.422</b>	<b>13.918</b>	<b>14.439</b>	<b>14.986</b>	<b>15.561</b>	<b>72.328</b>
Less: Operating & Maint. Needs	(9.923)	(10.419)	(10.940)	(11.487)	(12.061)	(54.828)
<b>Non-MSTU Revenues Available for Capital Outlay/Debt Service</b>	<b>3.500</b>	<b>3.500</b>	<b>3.500</b>	<b>3.500</b>	<b>3.500</b>	<b>17.500</b>
Less: FY88 & FY89 Bond Issue Debt Service	(3.500)	(3.500)	(3.500)	(3.500)	(3.500)	(17.500)
<b>Non-MSTU Revenues Remaining for Capital Outlay</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>(0.000)</b>
<b>MSTU Revenue Type</b>						
MSTU-North	3.024	3.175	3.334	3.501	3.676	16.710
MSTU-South	2.016	2.117	2.223	2.334	2.450	11.140
<b>MSTU Revenue Totals</b>	<b>5.040</b>	<b>5.292</b>	<b>5.557</b>	<b>5.834</b>	<b>6.126</b>	<b>27.849</b>
<b>Total Non-MSTU &amp; MSTU Revenues</b>	<b>5.040</b>	<b>5.292</b>	<b>5.556</b>	<b>5.834</b>	<b>6.127</b>	<b>27.849</b>
<b>Annual Growth Rate Assumptions</b>						
Gas Taxes	3.00%					
General Revenue Contribution	5.00%					
Other Misc. Revenues	5.00%					
Operating & Maintenance Costs	5.00%					
MSTU Special Assessments	5.00%					

Note: Dollars in Millions

Source: Sarasota County Office of Management and Budget, 1988.

(Note that an alternative distribution formula can be used through interlocal agreement). The County's portion of the revenues would range from about \$14.729 million in FY90 to about \$17.903 million in FY94; or a total of \$81.383 million over the FY90-94 period. The four municipalities would receive about \$28.523 million over the same period.

Table 77 also shows unincorporated sales tax revenues applied against the road and park improvement deficits identified above. Over the five-year CIE period, projected revenues are sufficient to cover the deficit, as well as providing an estimated \$24.129 million "surplus" for infrastructure other than roads and parks.

Table 76: Traffic Circulation Improvement Costs Versus Revenues

Road Improvement Program Costs	FY90	FY91	FY92	FY93	FY94	Total FY90-FY94
Non-MSTU	9.015	6.133	6.768	6.289	1.200	29.405
MSTU - North	4.900	7.548	3.242	6.404	3.640	25.734
MSTU - South	3.342	3.328	4.934	2.997	7.371	21.972
<b>Total Program Costs:</b>	<b>17.257</b>	<b>17.009</b>	<b>14.944</b>	<b>15.690</b>	<b>12.211</b>	<b>77.111</b>
<b>Available Revenues</b>						
Non-MSTU	0.000	0.000	0.000	0.000	0.000	0.000
MSTU - North	3.024	3.175	3.334	3.501	3.676	16.710
MSTU - South	2.016	2.117	2.223	2.334	2.450	11.140
<b>Total Estimated Revenues:</b>	<b>5.040</b>	<b>5.292</b>	<b>5.557</b>	<b>5.834</b>	<b>6.126</b>	<b>27.849</b>
<b>Program Costs Vs. Revenues</b>						
Non-MSTU	(9.015)	(6.133)	(6.768)	(6.289)	(1.200)	(29.405)
MSTU - North	(1.876)	(4.373)	0.092	(2.903)	0.036	(9.024)
MSTU - South	(1.326)	(1.211)	(2.711)	(0.663)	(4.921)	(10.832)
<b>Total Surplus (Deficit):</b>	<b>(12.217)</b>	<b>(11.717)</b>	<b>(9.387)</b>	<b>(9.856)</b>	<b>(6.085)</b>	<b>(49.262)</b>

Notes: Dollars shown in Millions

Road Improvement Program Costs from Table 71, Capital Improvements Chapter

Available Revenues from Table 75, Capital Improvements Chapter

Source: Sarasota County Office of Management and Budget, 1988.

### Special Assessment Levy

In addition to the Local Option Sales Tax, a special assessment levy on existing development provides a means of funding the road and park improvement deficits. In order to accomplish this, Municipal Service Taxing Units, or Special Districts, pursuant to Chapter 125.01, Florida Statutes, will need to be created. All existing development in these new MSTUs will be assessed an annual amount based on the trip generation characteristics of each type of land use. The assessment method is similar to that used in the County's Public Facilities Financing Ordinance, which applies only to new development. This approach, or methodology, involves the projection of Equivalent Trip Generation Units (ETGUs), which are a measure of traffic impact on the road system, for all development projected to be "on the ground" over the five-year CIE period. The assessment rate, or dollars per ETGU, is calculated by dividing estimated costs by total projected ETGUs. Based on a preliminary analysis, it is estimated that an

average total assessment of \$90 to \$100 per ETGU will cover the road and park deficit of \$57.256 million. (Note: 1 ETGU is equivalent to a single family dwelling unit.)

### Additional Fiscal Analysis

Table 78 includes projections of the Countywide operations and debt service levies and millage rates over the CIE period. The increase in operating levy would, in actuality, depend on annual budgetary needs and conditions and, ultimately, would be decided annually by the Board of County Commissioners. The debt service levy is based on known general obligation debt service (see Table 79).

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Table 77: Projection of Infrastructure Surtax (Local Option Sales Tax) Revenues For Sarasota County, Municipalities, and School District - FY90-FY94

	FY90	FY91	FY92	FY93	FY94	Total FY90-FY94
Countywide Revenue Total	26.521	27.847	29.239	30.701	32.236	146.544
Less: 25%-School District	(6.630)	(6.962)	(7.310)	(7.675)	(8.059)	(36.636)
Distribution by Jurisdiction:						
Unincorporated County	14.729	15.465	16.238	17.050	17.903	81.385
Town of Longboat Key	0.248	0.260	0.273	0.287	0.302	1.370
City of North Port	0.578	0.607	0.637	0.669	0.703	3.194
City of Sarasota	3.357	3.525	3.701	3.886	4.081	18.550
City of Venice	0.979	1.028	1.079	1.133	1.190	5.409
CIE Deficits						
Roads Deficit	12.217	11.717	9.387	9.856	6.085	49.262
Parks Deficit	1.949	1.660	1.746	1.729	0.910	7.994
Total Deficits	14.166	13.377	11.133	11.585	6.995	57.256
Sarasota County (Unincorporated Area) Sales Tax Revenues Applied Toward CIE Deficits:						
Unincorporated Area	14.729	15.465	16.238	17.050	17.903	81.385
Total Deficit	(14.166)	(13.377)	(11.133)	(11.585)	(6.995)	(57.256)
Revenues Remaining	0.563	2.088	5.105	5.465	10.908	24.129

Notes: Dollars shown in Millions

(1) Projection of FY89 base figures from Local Government Financial Information Handbook, Department of Revenue, July 1988

(2) Distribution based on Half-Cent Sales Tax formula (s. 218.62, F.S.)

(3) Projection based on full one-cent levy, pursuant to s. 212.055 (2), F.S.

(4) Levy may be for any period up to 15 years

(5) Annual growth rate of 5% assumed in projections

Source: Sarasota County Office of Management and Budget, 1988.

Table 79 provides a projection of debt service over the FY90-94 period. In addition, the table provides a projection of debt capacity for general obligation bond issues. In relation to the 10-mill statutory limit for general obligation bond issues, the County has substantial capacity remaining, based on existing ad valorem taxes.

#### *Fiscal Implications of New Public Educational Facilities*

As shown in Table 77, allocating a possible 25 percent of the proposed local option sales tax revenue to school-related infrastructure would yield an estimated \$36.636 million over the five-

year CIE period. Although this amount is not sufficient to cover the costs associated with the construction of 10 new schools (see Inventory section), the sales tax, in combination with alternative methods of funding, such as "certificates of participation" (see "Final Report of the School Construction Advisory Committee", dated April, 1988, for additional information), would provide a viable funding approach for the construction of new schools.

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Table 78: Projection of Tax Base, Ad Valorem Levy, and Millage Rates

	FY90	FY91	FY92	FY93	FY94	Total FY90-FY94
Projected Taxable						
Value	11,979,216,360	12,658,462,987	13,339,709,633	14,019,956,289	14,700,202,905	N/A
Operating Millage	3.7403	3.8578	3.9908	4.1387	4.3024	N/A
Operating Levy	44,806,482	48,837,976	53,233,393	58,024,399	63,246,595	268,147,845
Net Operating Levy	42,566,208	46,396,077	50,571,724	55,123,179	60,084,265	254,740,453
Debt Service Millage	0.2901	0.2746	0.2609	0.2470	0.2351	N/A
Debt Service Levy	3,474,948	3,476,297	3,480,124	3,463,324	3,455,397	17,350,090
Net Debt Service Levy	3,301,201	3,302,483	3,308,118	3,290,158	3,282,628	16,482,586
Total Millage	4.0303	4.1324	4.2518	4.3857	4.5375	N/A
Total Levy	48,280,430	52,314,273	56,713,517	61,487,723	66,701,992	285,497,935
Net Total Levy	45,866,409	49,698,559	53,877,841	58,413,336	63,366,893	271,223,038

## Notes:

- (1) Operating levy projected at 9% per year
- (2) "Net" levies are at 95% of total levy, i.e., as budgeted
- (3) Taxable value projected based on 1981-87 historical data

Source: Sarasota County Office of Management and Budget, 1988.

Table 79: Projection of Debt Service Obligations for Currently Outstanding Bond Issues (with Projection of Debt Capacity for G.O. Bonds)

Bond Issue Name/Purpose	Orig. Am. Issued	Type of Revenue Pledged	FY90	FY91	FY92	FY93	FY94	Total FY90-FY94
Hospital #4	1,350,000	Ad Valorem Taxes	74,275	72,000	69,275	72,450	0	288,000
Hospital #5	6,700,000	Ad Valorem Taxes	411,578	408,515	409,835	405,435	405,555	2,040,918
Courthouse Improvement	1,500,000	Ad Valorem Taxes	92,130	89,250	91,290	88,145	0	360,815
Open Space Bond of 1973	7,750,000	Ad Valorem Taxes	657,015	666,515	669,515	675,800	840,555	3,509,400
Recreation Bond	1,500,000	Cigarette Tax Revenues	137,688	129,688	0	0	0	267,376
Sales Tax & G.O. Revenue Bond 1986A	32,460,000	1/2 Cent Sales Tax (1)	3,196,533	3,196,596	3,195,795	3,194,005	3,195,125	15,978,053
Sales Tax Revenue Bonds 1986B	14,355,000	1/2 Cent Sales Tax	1,421,405	1,420,530	1,422,030	1,420,720	1,421,480	7,106,165
Utility System Revenue Bonds 1985A	6,642,306	Net System Revenues	655,378	652,890	654,240	654,120	657,470	3,274,098
G.O. Bonds Parks & Rec. Series 1987A	20,600,000	Ad Valorem Taxes	2,066,203	2,066,203	2,066,203	2,048,328	2,036,518	10,283,453
Lease Certificate Series 1987	3,535,000	Special Assessments	913,180	913,180	793,450	672,263	0	3,292,703
Landfill/Solid Waste Series 1987	15,000,000	Net System Revenues	1,419,910	1,420,720	1,415,280	1,418,370	1,414,770	7,089,050
Revenue Bonds, Series 1986 (3)	12,320,000	Non-Ad Valorem Taxes	854,022	1,464,807	1,459,811	1,461,467	1,454,570	6,694,697
Fiscal Year Totals:			11,899,316	12,500,893	12,246,724	12,111,122	11,426,043	60,184,097
<u>General Obligation Bond Debt Capacity</u>								
10-Mill G.O. Statutory Debt Limit:			10.0000	10.0000	10.0000	10.0000	10.0000	
Less: Projected Millage Committed (2):			0.2901	0.2746	0.2809	0.2470	0.2351	
Projected Available G.O. Debt Capacity			9.7099	9.7254	9.7391	9.7530	9.7649	

## Notes:

(1) Secondary pledge of ad valorem taxes

(2) Projected Committed Millage based on bond issues with ad valorem pledge

(3) Bond issue for dual taxation settlement with municipalities

The above does not represent total outstanding obligations, only those anticipated over the five-year CIE period

Source: Accounting Department, "Schedule of Bonds Payable", September 30, 1987.

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# Capital Improvements Plan

## Goal 1

*The County shall provide and maintain, in a timely and efficient manner, adequate public facilities for both existing and future populations, consistent with available financial resources.*

### Objective 1.1

The County will construct those Capital Improvements necessary to correct deficiencies in existing public facilities, to serve projected future growth, and to replace obsolete and worn-out facilities, in accordance with an adopted Capital Improvements Program.

#### *Policy 1.1.1.*

The Capital Improvements Chapter shall only include those facility types explicitly required in Rule 9J-5, Florida Administrative Code, which are Transportation, Sanitary Sewer, Potable Water, Solid Waste, Drainage, and Parks and Recreation.

#### *Policy 1.1.2.*

The Capital Improvements Chapter shall include capital improvements that are large scale and high in cost, and that are of a non-recurring nature. For purposes of this Chapter, rolling stock shall not be considered as capital improvements.

#### *Policy 1.1.3.*

The Capital Improvements Chapter will be a component of the County Capital Improvements Program, which includes not only the facility types identified in Policy 1.1.1., but also other facility types necessary for the public health, safety, and welfare of the community.

#### *Policy 1.1.4.*

The County shall include projects identified in the other relevant Comprehensive Plan Chapters in a Five-Year Schedule of Capital Improvements (Table 80), which Schedule shall be updated on an annual basis.

### Objective 1.2

Proposed expenditure of public funds that subsidize or enable land development in Coastal High Hazard Areas shall be limited to those projects identified in the Environment Chapter.

### Objective 1.3

The issuance of development orders and building permits shall be conditioned upon the availability of those public facility types mentioned in Policy 1.1.1.

#### *Policy 1.3.1.*

The availability of public facilities shall be determined and measured for the required public facility types using the following Level of Service (LOS) Policies contained in the following Chapters of the Comprehensive Plan:

- Transportation - Policies 1.3.1., 1.3.2., 1.3.3., and 1.3.4. of the Traffic Circulation Plan;
- Solid Waste - Policy 4.1.1. of the Public Facilities Plan;
- Drainage - Policy 4.1.2. of the Public Facilities Plan;
- Sanitary Sewer - Policy 4.1.3. of the Public Facilities Plan;
- Potable Water - Policy 4.1.4. of the Public Facilities Plan; and
- Parks and Recreation - Policy 1.1.1. of the Recreation and Open Space Plan.

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*Policy 1.3.2.*

The County shall adopt an adequate public facilities ordinance that shall explicitly state the conditions under which development shall be reviewed relative to the availability of adequate public facilities.

Objective 1.4

Ensure that future development pays a proportionate cost of facility improvements needed due to that new development in order to maintain adopted level of service standards.

*Policy 1.4.1.*

Continue the implementation of the Public Facilities Financing Ordinance (Ordinance No. 83-24, as amended), which ensures that future development pays a proportionate cost of road and parks improvements needed due to future development.

*Policy 1.4.2.*

Continue the implementation of the water impact fee program, enabled by Ordinance No. 85-90, or its successors, which ensures that future development pays a proportionate share of water system improvements.

*Policy 1.4.3.*

Continue the implementation of the fire and rescue impact fee program, enabled by Ordinances No. 88-55 and No. 88-56, or their successors, which ensures that future development pays its proportionate share of fire and rescue capital improvements.

*Policy 1.4.4.*

Investigate the feasibility of implementing impact fees, or similar mechanisms, for additional public facility types.

*Policy 1.4.5.*

Investigate the feasibility of a Countywide (i.e., unincorporated area and municipalities) development fee or impact fee program for road improvements.

Objective 1.5

The County shall manage its fiscal resources in order to ensure that capital improvements needed because of previously issued development orders and future development orders are provided in accordance with the Five-Year Schedule of Capital Improvements (Table 80).

*Policy 1.5.1.*

The County shall adopt a Capital Budget at the same time that it adopts its Annual Operating Budget. The Capital Budget shall include those projects necessary to maintain the adopted level of service standards set forth in Policy 1.3.1.

*Policy 1.5.2.*

By 1990, the County shall adopt a Stormwater Environmental Utility to ensure that all stormwater discharged into estuarine waters will receive adequate treatment. The Utility shall be developed after seeking cooperation with the municipalities, other appropriate governmental agencies and public and/or private utilities which will implement the Stormwater Master Plan. Procedures shall also be adopted which establish priorities for the replacement and correction of existing facility deficiencies as well as providing for future facility requirements.

*Policy 1.5.3.*

The County shall hold a Public Hearing to consider the adoption of an ordinance authorizing a referendum on the one-cent "infrastructure" sales tax, pursuant to Chapter 212.055(2), Florida Statutes. Provisions in the ordinance authorizing the referendum should be coordinated with, and represent a consensus viewpoint of, the respective municipalities in Sarasota County. Such referendum will be held within a timeframe which enables implementation of the sales tax in Fiscal Year 1990, commencing October 1, 1989.

*Policy 1.5.4.*

Concurrent with the process identified in Policy 1.5.3., the County shall hold a Public Hearing to consider the adoption of an ordinance to establish Municipal Services Taxing Units, hereinafter referred to as MSTUs, or Special Districts, pursuant to Chapter 125.01, Florida Statutes. Said MSTUs or Special Districts shall provide the revenue necessary to fund road and park improvements not attributable to the impacts of new development. Said ordinance shall be adopted within a timeframe enabling the implementation of assessments in Fiscal Year 1990, commencing on October 1, 1989.

*Policy 1.5.5.*

The provisions of Policy 1.5.4. notwithstanding, MSTU or Special District assessments for funding road and park improvements not attributable to the impacts of new development shall not be imposed, in the event that the one-cent sales tax is approved, to the extent that proceeds from such assessments can be replaced, on a dollar for dollar basis, by revenues from said sales tax.

*Policy 1.5.6.*

Capital improvements proposed to be added to the Five-Year Schedule of Capital Improvements (Table 80) shall be evaluated with project selection criteria that consider, but are not limited to, the following factors:

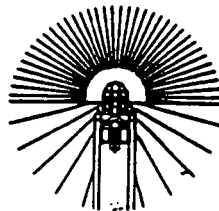
- the relationship to relevant Chapters of the Comprehensive Plan;
- the elimination of public hazards;
- the elimination or mitigation of existing deficiencies;
- the impact on the annual operating and capital budgets;
- location in relation to the "Future Land Use Plan Map";
- the accommodation of new development and redevelopment facility demands;
- the financial feasibility of the proposed project; and
- the relationship of the improvement to the plans of State agencies and the Southwest Florida Water Management District.

*Policy 1.5.7.*

The debt service implications of the Five-Year Schedule of Capital Improvements (Table 80) shall be evaluated as part of the Monitoring and Evaluation of the Capital Improvements Chapter on an annual basis.

*Policy 1.5.8.*

The County shall address the renewal and replacement of public facilities in the Five-Year Schedule of Capital Improvements (Table 80).



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## Implementation

### Five-Year Schedule Of Capital Improvements

Table 80 is the "Five-Year Schedule of Capital Improvements," a compilation of the various capital improvement projects for all facility types. The Schedule includes the fiscal year, a brief project description, estimated cost, the revenue source for funding the project, and an affirmation of consistency with the Chapters of the Comprehensive Plan.

### Capital Improvements Program

The mechanism for implementing the Five-Year Schedule of Capital Improvements will be the Capital Improvements Program, or "CIP," which will be adopted by County ordinance, and which will include not only the facility types included in the Five-Year Schedule of Capital Improvements, but also additional facility types that have no bearing on the Level of Service provisions of Rule 9J-5, Florida Administrative Code. Examples of these "additional" facility types are general government facilities (i.e., court buildings, administrative buildings, fleet management facilities, etc.), fire and rescue facilities, and libraries.

The Capital Improvements Program, which will also comprise five fiscal years, would be updated annually, meaning that the five-year "block" would "roll over" each year. For example, the first CIP period would be FY90-FY94, the next annual update would result in a FY91-FY95 period, and so on thereafter. This is identical to the "rolling 5-year block" concept found in the Public Facilities Financing Ordinance (Ordinance No. 83-24, as amended). This would mean that additional

projects would be added to the CIP during each annual update. Table 81 provides a listing of FY95-FY2010 road improvement projects that will guide the selection of projects to be added, as each five-year CIP period is rolled over.

### Capital Budget

The annual capital budget ties both the CIE and the CIP to the annual budgeting process of County Government. The Annual Capital Budget would include those projects identified for the first year of each five-year CIP period and would be incorporated into the County Budget each year.

### Adequate Public Facilities Ordinance

In addition to the CIP and the Capital Budget, an "adequate public facilities ordinance" will be a key implementing mechanism of the CIE. It is possible that such an ordinance could be incorporated into the County's Land Development Regulations (Ordinance No. 81-12, as amended) or, possibly, could function instead as a separate ordinance. Nevertheless, such an ordinance would need to include provisions that would ensure that public facilities are in place to accommodate development within a reasonable and workable period of time. This means that the ordinance would need to address such issues as a definition of "concurrency" (i.e., the concept of having public facilities in place as development occurs), the establishment of a monitoring system to track levels of service for the various facility types in relation to land development activity, and monitoring the status of the Capital Improvements Program.

Table 80: Five-Year Schedule of Capital Improvements

Year	Facility Type	Project Description	Cost	Revenue Source	Consistency With Plan
FY90	Solid Waste	Development of Walton Tract	1,550	Bond Proceeds/User Charges	Yes
		Bee Ridge Landfill Closeout	960		Yes
	Sub-total:		2,510		
	Parks and Recreation	Colonial Oaks	247	Sales Tax/Special Assessment (1) and MSTU Revenues (2)	Yes
		Woodmere Park	394		Yes
		Blind Pass Beach	130		Yes
		Nokomis Beach	105		Yes
		Phillippi Plantation	180		Yes
		Caspersen Mainland	300		Yes
		Bay Street Park	107		Yes
		Longwood Park	219		Yes
		North County Special Park	700		Yes
	Sub-total:		2,362		
	Potable Water	Water Treatment Plant	16,222	Bond Proceeds/Water Impact Fees/Monthly Rates	Yes
		Transmission Mains	10,691		Yes
		Wellfield Piping, Pumps, & Appurt.	4,424		Yes
		Wellfield Electrical	1,659		Yes
		Wellfield Roadway	3,221		Yes
		Central Access Roadway	3,466		Yes
	Sub-total:		39,667		
	Traffic Circulation	Airport Connector	5,100	Sales Tax/Special Assessment (1) and MSTU Revenues (2)	Yes
		Albee Farm Road	6,739		Yes
		McIntosh Road	4,418		Yes
		Annual Signals	150		Yes
		Advanced R/W	500		Yes
	Sub-total:		17,257		
	FY90 TOTAL:		61,996		
FY91	Solid Waste	Development of Walton Tract	1,165	Bond Proceeds/User Charges	Yes
		Bee Ridge Landfill Closeout	960		Yes
	Sub-total:		2,125		
	Parks and Recreation	Colonial Oaks	247	Sales Tax/Special Assessment (1) and MSTU Revenues (2)	Yes
		Woodmere Park	394		Yes
		Blind Pass Beach	120		Yes
		Nokomis Beach	105		Yes
		Phillippi Plantation	180		Yes
		Unincorp. Area East of Myakka River	50		Yes
		Longwood Park	219		Yes
		North County Special Park	800		Yes
	Sub-total:		2,115		

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Table 80: Five-Year Schedule of Capital Improvements-(Continued)

Year	Facility Type	Project Description	Cost	Revenue Source	Consistency With Plan
FY91 (Con't)	Potable Water	Water Treatment Plant	3,568	Bond Proceeds/Water	Yes
		Transmission Mains	118	Impact Fees/Monthly Rates	Yes
		Central Access Roadway	235		Yes
	Sub-total:		3,921		
	Traffic Circulation	Proctor Road	2,700	Sales Tax/Special Assessment (1) and MSTU Revenues (2)	Yes
		Group B	1,297		Yes
		Bayshore Road	233		Yes
		Higel Avenue	248		Yes
		Bahia Vista Street	2,856		Yes
		Dearborn Street	3,063		Yes
		University Parkway	4,166		Yes
		Lockwood Ridge Road	1,182		Yes
		Ortiz Road	265		Yes
		Annual Signals	150		Yes
		Advanced R/W	500		Yes
		Bridge Replacement	350		Yes
	Sub-total:		17,009		
	FY91 TOTAL:		25,170		
FY92	Solid Waste	Development of Walton Tract	14,435	Bond Proceeds/User Charges	Yes
		Bee Ridge Landfill Closeout	960		Yes
	Sub-total:		15,395		
	Parks and Recreation	Blind Pass Beach	90	Sales Tax/Special Assessment (1) and MSTU Revenues (2)	Yes
		Phillippi Plantation	130		Yes
		Casperen Mainland	500		Yes
		Unincorp. Area East of Myakka River	150		Yes
		Bay Street Park	244		Yes
		Longwood Park	219		Yes
		Gulf Gate East	212		Yes
		South County Special Park	700		Yes
	Sub-total:		2,245		
	Traffic Circulation	Pine Street	5,234	Sales Tax/Special Assessment (1) and MSTU Revenues (2)	Yes
		Tuttle Avenue	3,800		Yes
		Webber Street	4,910		Yes
		Annual Signals	150		Yes
		Advanced R/W	500		Yes
		Bridge Replacement	350		Yes
	Sub-total:		14,944		
	FY92 TOTAL:		32,584		

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Table 80: Five-Year Schedule of Capital Improvements (Continued)

Year	Facility Type	Project Description	Cost	Revenue Source	Consistency With Plan
FY93	Solid Waste	Development of Walton Tract	6,965	Bond Proceeds/User	Yes
		Bee Ridge Landfill Closeout	960	Charges	Yes
	Sub-total:		7,925		
	Parks and Recreation	Blind Pass Beach	170	Sales Tax/Special Assessment (1) and MSTU Revenues (2)	Yes
		Phillippi Plantation	120		Yes
		Caspersen Mainland	320		Yes
		Sorrento	100		Yes
		Unincorp. Area East of Myakka River	350		Yes
		Bay Street Park	419		Yes
		Gulf Gate East	800		Yes
	Sub-total:		2,279		
	Traffic Circulation	Honore Avenue	5,500	Sales Tax/Special Assessment (1) and MSTU Revenues (2)	Yes
		Myrtle Street	1,704		Yes
		Pinebrook Avenue	4,966		Yes
		Annual Signals	150		Yes
		Advanced R/W	500		Yes
		Bridge Replacement	350		Yes
		Design (FY95 Projects)	1,000		Yes
		R/W (FY95 Projects)	1,500		Yes
	Sub-total:		15,690		
	FY93 TOTAL:		25,894		
FY94	Solid Waste	Development of Walton Tract	1,660	Bond Proceeds/User	Yes
		Bee Ridge Landfill Closeout	960	Charges	Yes
	Sub-total:		2,620		
	Parks and Recreation	Colonial Oaks	247	Sales Tax/Special Assessment (1) and MSTU Revenues (2)	Yes
		Caspersen Mainland	300		Yes
		Unincorp. Area East of Myakka River	250		Yes
		Bay Street Park	299		Yes
		Gulf Gate East	419		Yes
	Sub-total:		1,515		
	Traffic Circulation	Capri Isles Boulevard	1,737	Sales Tax/Special Assessment (1) and MSTU Revenues (2)	Yes
		Center Road	3,081		Yes
		Laurel Road	2,153		Yes
		Longmeadow	3,240		Yes
		Annual Signals	150		Yes
		Advanced R/W	500		Yes
		Bridge Replacement	350		Yes
		Design	1,000		Yes
	Sub-total:		12,211		
	FY94 TOTAL:		18,376		

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Table 80: Five-Year Schedule of Capital Improvements (Continued)

Totals-Each Facility	Solid Waste	30,605
	Parks and Recreation	10,516
	Potable Water	43,788
	Traffic Circulation	77,111
FY90-FY94 CIE TOTAL:		162,020

## Notes:

Dollars shown in Thousands

(1) The revenue source "Sales Tax/Special Assessment" refers to Local Option Sales Tax revenues and special assessment revenues derived from a levy on existing development not attributable to the impacts of new development.

(2) The revenue source "MSTU Revenues" refers to those special assessments levied on new development in the North and South County MSTUs, pursuant to Ordinance No. 83-24, as amended (Public Facilities Financing Ordinance).

Source: Sarasota County Office of Management and Budget, 1988.

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Table 81: Proposed FY1995-FY2010 Future Thoroughfare Plan Improvements

Facility	Description	Facility Location	Project Length (Miles)	Project Costs			Total Costs
				Const.	R-O-W	Design	
Bahia Vista Street	Add 2 Lanes to 2 Lanes	McIntosh Road to Cattlemen Road	1.8	1,716	858	129	2,703
Bee Ridge Ext.	Construct 4 Lanes	Fruitville Road to Bee Ridge Road	2.6	3,414	1,195	256	4,866
Bee Ridge Road	Add 2 Lanes to 2 Lanes	I-75 to Bee Ridge Extension	3.0	2,938	1,469	220	4,627
Brown Road	Construct 4 Lanes	Fruitville Road to University Pkwy.	3.5	5,916	2,958	444	9,318
Cattlemen Road	Construct 4 Lanes	Fruitville Road to Bee Ridge Road	2.4	4,160	2,080	312	6,552
DeSoto Road	Construct 2 Lanes	Longwood Run to Brown Road	1.7	1,122	393	84	1,599
Frontage Road	Construct 4 Lanes	University Pkwy. to Bee Ridge Rd.	6.2	7,976	2,791	598	11,365
Fruitville Road	Add 2 Lanes to 2 Lanes	I-75 to Bee Ridge Extension	3.3	3,553	1,244	266	5,093
Gantt Road	Add 2 Lanes to 2 Lanes	Bee Ridge Road to Clark Road	1.0	970	485	73	1,527
Honore Avenue	Add 2 Lanes to Existing 2 Lanes	University Pkwy. to Richardson Rd.	2.7	2,637	1,319	198	4,154
Honore Avenue	Construct 4 Lanes	Richardson Rd. to Bee Ridge Rd.	3.1	5,303	2,651	398	8,351
Honore/Pinebrook	Construct 4 Lanes (Expressway)	Clark Road to Laurel Road	11.1	14,330	5,016	1,075	20,420
McIntosh Road	Construct 4 Lanes	Fruitville Road to 17th Street	1.0	1,155	578	87	1,820
McIntosh Road	Add 2 Lanes to Existing 2 Lanes	Bahia Vista Street to Fruitville Road	1.0	970	485	73	1,527
McIntosh Road	Add 2 Lanes to Existing 2 Lanes	Bee Ridge Road to U.S. 41	6.3	6,137	3,069	460	9,666
Myrtle Street	Construct 4 Lanes	Tuttle Avenue to Honore Avenue	2.4	3,104	1,086	233	4,423
Myrtle Street	Add 2 Lanes to Existing 2 Lanes	U.S. 41 to Tuttle Avenue	3.1	3,369	1,186	254	4,829
Palmer Blvd.	Construct 2 Lanes	Niobe Road to Bee Ridge Ext.	2.1	1,434	502	108	2,043
Proctor Road	Add 2 Lanes to Existing 2 Lanes	McIntosh Road to Cattlemen Road	1.8	1,724	862	129	2,715
Proctor Road	Add 2 Lanes to Existing 2 Lanes	Cattlemen Road to Clark Road	2.7	2,919	1,022	219	4,159
Tuttle Avenue	Add 2 Lanes to Existing 2 Lanes	University Pkwy. to 12th Street	2.8	2,666	1,333	200	4,199
University Pkwy.	Construct 2 Lanes	I-75 to Frontage Road	0.8	505	177	38	719
University Pkwy.	Add 2 Lanes to Existing 4 Lanes	U.S. 301 to I-75	5.2	5,756	0	432	6,188
Wildson Road	Construct 2 Lanes	Bliss Road to Center Gate Boulevard	0.5	578	289	43	910
Airport Drive	Construct 4 Lanes	Harbor Drive to U.S. 41	2.0	2,567	905	194	3,666
Artists Avenue	Construct 2 Lanes	S.R. 775 to North Port City Limits	2.1	1,413	495	106	2,014

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Table 81: Proposed FY1995-FY2010 Future Thoroughfare Plan Improvements (Continued)

Facility	Description	Facility Location	Project Length (Miles)	Project Costs			Total Cost
				Const.	R.O.W.	Design	
Bay Street	Add 2 Lanes to Existing 2 Lanes	U.S. 41 to Old Venice Road	0.6	610	214	46	869
Bay Street	Construct 4 Lanes	Old Venice to Honore/Pinebrook	1.5	1,940	679	145	2,764
Border Road	Add 2 Lanes to Existing 2 Lanes	Auburn Road to River Road	3.2	3,064	1,532	230	4,826
Center Road	Add 2 Lanes to Existing 2 Lanes	Rockley Boulevard to River Road	1.9	2,033	712	153	2,898
Colonia/Border	Construct 4 Lanes	Albee Farm Road to Auburn Road	2.1	2,768	969	208	3,944
Gissinger Blvd.	Construct 4 Lanes	S.R. 775 to North Port City Limits	3.7	2,477	867	186	3,530
Harbor Drive	Add 2 Lanes to Existing 2 Lanes	Venice Ave. to Shore/Airport Ave.	1.5	1,673	585	125	2,383
Jacaranda Blvd.	Construct 4 Lanes	I-75 to Laurel Road	1.8	2,341	819	178	3,338
Laurel Road	Construct 4 Lanes	I-75 to Jacaranda Boulevard	1.4	1,862	652	140	2,654
Pine Street	Construct 4 Lanes	U.S. 41 to Center Road	2.3	2,910	1,018	218	4,147
Pine Street	Add 2 Lanes to Existing 2 Lanes	Keyway By-Pass to U.S. 41	3.5	3,626	0	287	4,113
Pine Street	Add 2 Lanes to Existing 2 Lanes	River Road/Deerborn to Co. Line	1.0	1,083	383	82	1,558
Pinebrook/Honore	Construct 4 Lanes	Laurel Road to Venice City Limits	0.8	1,066	380	81	1,546
River Road	Construct 4 Lanes	Border Road to I-75	0.8	1,063	379	81	1,543
River Road	Add 2 Lanes to Existing 2 Lanes	I-75 to U.S. 41	5.5	6,013	2,104	451	8,568
River Road	Add 2 Lanes to Existing 2 Lanes	U.S. 41 to Pine Street	6.5	7,106	2,487	533	10,126
Toledo Blade Blvd.	Add 2 Lanes to Existing 2 Lanes	I-75 to Sarasota County Line	1.8	1,694	593	127	2,415
Venice Avenue	Add 2 Lanes to Existing 2 Lanes	Jacaranda Blvd. to River Road	2.6	2,842	995	213	4,050
Venice East Blvd.	Construct 4 Lanes	U.S. 41 to Keyway Road	3.3	2,188	766	164	3,117
Total Cost:							197,832

## Notes:

Project Costs based on FDOT, District 1 cost/mile estimates where R.O.W. cost = 35% of construction cost in rural areas and 60% in urban areas; and design cost = 7.5% of construction cost

All costs in 1987 dollars in thousands

Source: Sarasota County Office of Management and Budget, 1988.

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# APPENDIX E: TRAFFIC CIRCULATION

## Section 1: FDOT Roadway Functional Classification

ID #	Roadway Name	Roadway Segment	Jurisdiction	Func. Class.	# of Lanes	Segment Length	Lane Miles
1	17th Street	U.S. 301 to Honore Avenue	Sarasota Co.	UCOL	4	4.5	18.0
2	17th Street	Honore Ave. to Richardson Rd.	Sarasota Co.	UCOL	2	1.0	2.0
3	27th Street	U.S. 301 to Lockwood Ridge Road	Sarasota Co.	UCOL	2	1.5	3.0
4	27th Pkwy./Prudence Dr.	Lockwood Ridge Road to 17th St.	Sarasota Co.	UCOL	2	1.0	2.0
5	Albee Farm Road	Laurel Road to U.S. 41	Sarasota Co.	UCOL	2	2.6	5.2
6	Albee Road	Casey Key to U.S. 41	Sarasota Co.	UCOL	2	1.2	2.4
7	Avenida del Circo	Airport Drive to U.S. 41	Sarasota Co.	UCOL	2	0.5	1.0
8	Baffin Road	Shamrock Lane to U.S. 41	Sarasota Co.	UCOL	2	1.1	2.2
9	Bahia Vista Street	U.S. 41 to Tuttle Avenue	City Sarasota	UCOL	2	0.95	1.9
10	Bahia Vista Street	Tuttle Avenue to Beneva Road	Sarasota Co.	UCOL	4	1.0	4.0
11	Bahia Vista Street	Beneva Road to Cattlemen Road	Sarasota Co.	UCOL	2	2.8	5.6
12	Bayshore/Harbor Drive	Park Boulevard to Venice Avenue	Sarasota Co.	UCOL	2	0.8	1.6
13	Beach Road	Ocean Blvd. to Midnight Pass Rd.	Sarasota Co.	UCOL	2	1.2	2.4
14	Bee Ridge Road/Bay St.	Osprey Avenue to U.S. 41	FDOT	MA	4	0.2	0.8
15	Bee Ridge Road	U.S. 41 to McIntosh Road	FDOT	MA	6	3.0	18.0
16	Bee Ridge Road	McIntosh Road to Cattlemen Road	FDOT	MA	4	1.8	7.2
17	Bee Ridge Road	Cattlemen Road to I-75	FDOT	MA	6	0.2	1.2
18	Bee Ridge Road	I-75 to Mauna Loa	Sarasota Co.	UCOL	4	0.7	2.8
19	Bee Ridge Road	Mauna Loa Blvd. to Bee Ridge Ext.	Sarasota Co.	UCOL	2	2.0	4.0
20	Bee Ridge Road (Ext.)	Bee Ridge Road to Clark Road	Sarasota Co.	UCOL	2	2.5	5.0
21	Beneva Road	17th Street to U.S. 41	Sarasota Co.	MA	4	8.1	32.4
22	Blackburn Point Road	Casey Key to U.S. 41	Sarasota Co.	UCOL	2	1.0	2.0
23	Brown Road	Richardson Road to Fruitville Road	Sarasota Co.	UCOL	2	0.5	1.0
24	Casey Key Road	Blackburn Point Road to End	Sarasota Co.	UCOL	2	3.5	7.0
25	Cattlemen Road	Fruitville Road to Proctor Road	Sarasota Co.	UCOL	2	3.65	7.3
26	Center Road	U.S. 41 to Jacaranda Boulevard	Sarasota Co.	UCOL	4	2.85	11.4
27	Center Road	Jacaranda Blvd. to River Road	Sarasota Co.	RMCOL	2	2.3	4.6
28	Clark Road (S.R. 72)	Swift Road to Gantt Road	FDOT	MA	2	3.5	7.0
29	Clark Road (S.R. 72)	Gantt Road to I-75	FDOT	MA	4	0.45	1.8
30	Clark Road (S.R. 72)	I-75 to County Line	FDOT	MA	2	23.9	47.8

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## Traffic Circulation

## Appendix E

ID #	Roadway Name	Roadway Segment	Jurisdiction	Func. Class	# of Lanes	Segment Length	Lane Miles
31	Colonia Avenue	U.S. 41 to Orange Grove Avenue	Sarasota Co.	UCOL	2	2.475	4.95
32	Constitution Boulevard	U.S. 41 to Swift Road	Sarasota Co.	UCOL	2	1.0	2.0
33	Dearborn Street	Englewood Road to River Road	Sarasota Co.	UCOL	2	1.8	3.6
34	Debreacan Road	Palmer Blvd. to Fruitville Road	Sarasota Co.	RMCOL	2	1.0	2.0
35	DeSoto Road	U.S. 41 to University Parkway	Sarasota Co.	UCOL	2	5.3	10.6
36	Englewood Road	S.R. 775 to Dearborn Street	Sarasota Co.	UCOL	2	2.2	4.4
37	Fruitville Rd. (S.R. 780)	U.S. 301 to Tuttle Avenue	FDOT	MA	6	1.1	6.6
38	Fruitville Rd. (S.R. 780)	Tuttle Avenue to Packinghouse Rd.	FDOT	MA	2	3.9	7.8
39	Fruitville Rd. (S.R. 780)	Packinghouse Road to I-75	FDOT	MA	6	0.2	1.2
40	Fruitville Rd. (S.R. 780)	I-75 to Verna Road	Sarasota Co.	UCOL	2	10.5	21.0
41	Gateway Avenue	Stickney Pt. Rd. to Gulf Gate Drive	Sarasota Co.	UCOL	2	0.55	1.1
42	Gantt Avenue	Proctor Road to Clark Road	Sarasota Co.	UCOL	2	1.0	2.0
43	Gen. Spaatz Boulevard	U.S. 41 to Old U.S. 301	Sarasota Co.	UCOL	2	0.7	1.4
44	Gulf Gate Drive	U.S. 41 to Beneve Road	Sarasota Co.	UCOL	4	1.675	6.7
45	Gulf of Mexico Drive	County Line to New Pass Bridge	FDOT	MA	2	5.2	10.4
46	Harbor Drive	Venice Ave. to so. of Beach Rd.	Sarasota Co.	UCOL	2	5.05	10.1
47	Higel Avenue	Siesta Drive to Midnight Pass Road	FDOT	MA	2	0.95	1.9
48	Honore Avenue	Longmeadow Dr. to Richardson Rd.	Sarasota Co.	UCOL	2	2.15	4.3
49	Honore Avenue	Fruitville Road to Palmer Boulevard	Sarasota Co.	UCOL	2	0.75	1.5
50	I-75 (S.R. 93)	University Pkwy. to S.R. 681 (V.C.)	FDOT	PA	6	14.1	84.6
51	I-75 (S.R. 93)	S.R. 681 to County Line	FDOT	PA	4	26.75	107.0
52	Jacaranda Boulevard	I-75 to U.S. 41	Sarasota Co.	UCOL	4	5.0	20.0
53	Laurel Road	Bayshore Road to I-75	Sarasota Co.	UCOL	2	4.1	8.2
54	Lockwood Ridge Road	County Line to 17th Street	Sarasota Co.	UCOL	2	2.5	5.0
55	Lockwood Ridge Road	17th Street to 12th Street	City Sarasota	UCOL	2	0.25	0.5
56	Lockwood Ridge Road	Ashton Road to Gulf Gate Drive	Sarasota Co.	UCOL	2	1.3	2.6
57	Longmeadow Drive	17th Street to Honore Avenue	Sarasota Co.	UCOL	2	2.0	4.0
58	Manasota Beach Road	S.R. 775 to Manasota Key Road	Sarasota Co.	UCOL	2	1.95	3.9
59	Manasota Key Road	Manasota Beach Rd. to Co. Line	Sarasota Co.	UCOL	2	4.75	9.5
60	McCall Road	Artists Avenue to Dearborn Street	Sarasota Co.	UCOL	2	0.9	1.8
61	McIntosh Road	Fruitville Road to Clark Road	Sarasota Co.	UCOL	2	4.65	9.3
62	Midnight Pass Road	Higel Ave. to so. of Stickney Point	FDOT	MA	2	6.05	12.1
63	Myrtle Street	Old Bradenton Road to U.S. 301	Sarasota Co.	UCOL	2	0.95	1.9
64	Ocean Boulevard	Higel Avenue to Beach Road	Sarasota Co.	UCOL	2	2.4	4.8
65	Old Mialda Road	S.R. 70 to Mysiska Park	Sarasota Co.	RMACL	2	3.7	7.4
66	Old Venice Road	Bay Road to U.S. 41	Sarasota Co.	UCOL	2	1.25	2.5
67	Ortiz Boulevard	DeLeon Drive to U.S. 41	Sarasota Co.	UCOL	2	1.0	2.0
68	Palmer Boulevard	Honore Avenue to Debreacan Road	Sarasota Co.	UCOL	2	2.75	5.5
69	Park Boulevard	Bayshore Drive to Harbor Drive	Sarasota Co.	UCOL	2	1.25	2.5
70	Pine Street	County Line to River Road	Sarasota Co.	RMACL	2	1.0	2.0

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## Appendix E

## Traffic Circulation

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ID #	Roadway Name	Roadway Segment	Jurisdiction	Func. Class	# of Lanes	Segment Length	Lane Miles
71	Proctor Road	U.S. 41 to Beneva Road	Sarasota Co.	UCOL	4	2.0	8.0
72	Proctor Road	Beneva Road to Clark Road	Sarasota Co.	UCOL	2	5.15	10.3
73	Richardson Road	Fruitville Road to Brown Road	Sarasota Co.	UCOL	2	1.5	3.0
74	Ringling Parkway	New Pass Bridge to St. Armands	FDOT	MA	2	1.1	2.2
75	Ringling Parkway	St. Armands Circle to U.S. 41	FDOT	MA	4	2.25	9.0
76	Ringtail Road	Shamrock Dr. to Sunset Beach Dr.	Sarasota Co.	UCOL	2	0.6	1.2
77	River Road (North)	I-75 to U.S. 41	Sarasota Co.	RMACL	2	5.5	11.0
78	River Road (South)	U.S. 41 to Pine Street	Sarasota Co.	RMACL	2	6.5	13.0
79	Sawyer Road	Bee Ridge Road to Clark Road	Sarasota Co.	UCOL	2	2.0	4.0
80	Shade Avenue	Fruitville Road to Webber Street	City Sarasota	UCOL	2	2.0	4.0
81	Shade Avenue	Webber Street to Proctor Road	Sarasota Co.	UCOL	2	1.65	3.3
82	Shamrock Boulevard	U.S. 41 to Center Road	Sarasota Co.	UCOL	4	2.7	10.8
83	Shamrock Drive	Baffin Drive to U.S. 41	Sarasota Co.	UCOL	2	3.0	6.0
84	Shore Rd./Airport Ave.	Sunset Drive to Ringling Drive	Sarasota Co.	UCOL	2	1.0	2.0
85	Siesta Drive	Higel Avenue to Osprey Avenue	FDOT	MA	2	1.35	2.7
86	Siesta Drive	Osprey Avenue to U.S. 41	City Sarasota	UCOL	2	0.25	0.5
87	Siesta Drive	U.S. 41 to Tuttle Avenue	Sarasota Co.	UCOL	4	1.0	4.0
88	S.R. 681 (Venice Con.)	U.S. 41 to I-75	FDOT	PA	4	3.0	12.0
89	Stickney Point Road	Midnight Pass Road to U.S. 41	FDOT	MA	4	0.9	3.6
90	Stickney Point Road	U.S. 41 to Swift Road	FDOT	MA	2	0.85	1.7
91	Sunset Beach Drive	Shamrock Drive to U.S. 41	Sarasota Co.	UCOL	2	1.3	2.6
92	Swift Road	Bee Ridge Road to Clark Road	Sarasota Co.	UCOL	4	2.0	8.0
93	S.R. 775	U.S. 41 to Co. Line (Bay Height)	FDOT	MA	2	8.15	16.3
94	Tuttle Avenue	University Parkway to 12th Street	Sarasota Co.	UCOL	2	2.75	5.5
95	Tuttle Avenue	12th Street to Bee Ridge Road	Sarasota Co.	UCOL	4	3.8	14.4
96	University Parkway	Old U.S. 301 to I-75	Sarasota Co.	MA	2	5.9	11.8
97	U.S. 301 (S.R. 683)	University Parkway to U.S. 41	FDOT	PA	4	4.075	16.3
98	U.S. 41 (S.R. 45)	County Line to U.S. 301	FDOT	PA	4	0.2	0.8
99	U.S. 41 (S.R. 45)	U.S. 301 to Proctor Road	FDOT	PA	6	3.1	18.6
100	U.S. 41 (S.R. 45)	Proctor Road to S.R. 681 (V.C.)	FDOT	PA	4	10.75	43.0
101	U.S. 41 (S.R. 45)	S.R. 681 to Laurel Road	FDOT	PA	6	1.0	6.0
102	U.S. 41 (S.R. 45)	Laurel Road to U.S. 41 By-Pass	FDOT	PA	4	2.5	10.0
103	U.S. 41 (S.R. 45)	U.S. 41 By-Pass to Venice Avenue	FDOT	PA	2	0.65	1.3
104	U.S. 41 (S.R. 45)	Venice Avenue to Turin Street	FDOT	PA	4	0.45	1.8
105	U.S. 41 (S.R. 45)	Turin Street to Palermo	FDOT	PA	2	0.15	0.3
106	U.S. 41 (S.R. 45)	Palermo to U.S. 41 By-Pass	FDOT	PA	2	0.2	0.4
107	U.S. 41 (S.R. 45)	U.S. 41 By-Pass to N. Port City.	FDOT	PA	4	14.5	58.0
108	U.S. 41 By-Pass	U.S. 41 to U.S. 41	FDOT	PA	4	3.2	12.8
109	Venice Avenue	Bus. U.S. 41 to Jacaranda Blvd.	Sarasota Co.	UCOL	4	3.95	15.8
110	Venice Avenue	Jacaranda Blvd. to River Road	Sarasota Co.	RMACL	2	2.8	5.2

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## Traffic Circulation

## Appendix E

ID #	Roadway Name	Roadway Segment	Jurisdiction	Func. Class	# of Lanes	Segment Length	Lane Miles
111	Verna Road	County Line to Fruitville Road	Sarasota Co.	RMCAL	2	3.5	7.0
112	Webber Street	U.S. 41 to McIntosh Road	Sarasota Co.	UCOL	4	2.95	11.8
113	Webber Street	McIntosh Road to Lalani Drive	Sarasota Co.	UCOL	2	0.9	1.8
114	Wildson Road	Swift Road to McIntosh Road	Sarasota Co.	UCOL	2	2.0	4.0
115	Border/Hollywood Blvd.	Beechwood Avenue to U.S. 41	Sarasota Co.	UCOL	2	0.4	0.8
116	S. Venice Boulevard	Lemon Bay Drive to U.S. 41	Sarasota Co.	UCOL	2	1.3	2.6
117	Bayshore Boulevard	North City Limits to U.S. 41	Sarasota Co.	UCOL	2	0.2	0.4
118	DeLeon Drive	U.S. 41 to Ortiz Boulevard	Sarasota Co.	UCOL	2	1.3	2.6
119	Sweetland/Ingram Ave.	Webber St. to Bahia Vista St.	Sarasota Co.	UCOL	2	1.0	2.0
120	Beechwood Avenue	Stickney Point Road to U.S. 41	Sarasota Co.	UCOL	2	0.7	1.4
121	Toledo Blade Blvd.	County Line to I-75	Sarasota Co.	RMACL	2	4.6	9.2
122	Jackson Road	Venice Avenue to Border Road	Sarasota Co.	RMCOL	2	1.6	3.2
123	Beach, Columbus, Avenida Messina	Midnight Pass Rd. to Ocean Blvd.	Sarasota Co.	UCOL	2	1.9	3.8

Key: PA-Principal Arterial; MA-Minor Arterial; UCOL-Urban Collector; RMACL-Rural Major Collector; RMCOL-Rural Minor Collector

Source: Sarasota County Planning Department, 1988.

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## Section 2: Level of Service Analysis Methodology

### Introduction

The purpose of this technical report is to provide a summary of the level of service analysis methodology, procedures, and assumptions utilized by Sarasota County in analyzing existing and future levels of service on those roadways under the jurisdictional responsibility of Sarasota County.

### Level of Service Analysis Methodology

The analysis of existing and future level of service conditions on those functionally classified arterial and collector roadways under the jurisdictional responsibility of Sarasota County was accomplished through the utilization of the appropriate analysis procedures contained within the 1985 Highway Capacity Manual (Transportation Research Board Special Report No. 209, 1985). Implementation of these procedures was done through the development and application of a series of computer spreadsheet analysis templates developed by Sarasota County Planning Department staff. The level of service analysis templates were then used to develop "generalized" level of service tables for each of four (4) roadway facility types: (1) freeways; (2) multi-lane highways; (3) two-lane rural highways; and (4) urban/suburban arterials. The Generalized Level of Service Hourly Service Volume Tables and the assumptions used in developing the tables are presented in Attachment A, Pages E-10 through E-12.

For each facility type, levels of service are described in terms of hourly volumes, where the volumes presented in the tables delineate the maximum traffic volume sustainable while maintaining a given level of service. It is important to note that levels of service are defined based on other "measures of effectiveness" that best describe the quality of operation on a particular facility type (e.g., traffic stream "density" for freeways and multi-lane highways; percentage time delay for

two-lane rural highways; and average travel speed for arterials). Due to limitations on data collection and availability, "volume" is used as a surrogate for each measure of effectiveness, where the service volumes indicated in the tables reflect those volumes expected to exist under ideal conditions for each particular level of service as defined by the appropriate measure of effectiveness.

Use of the generalized level of service tables enabled staff the ability to easily and accurately (given the use of local data in developing the tables) assess level of service conditions on those roadways within Sarasota County, while avoiding the impracticability of manually implementing the appropriate procedures for each of the approximately three-hundred (300) roadway segments (comprising approximately 1000 lane/miles being analyzed).

Due to variations in traffic patterns that reflect "peaking" characteristics with respect to time (e.g., hourly, daily, weekly, and monthly), roadway level of service and/or design studies are not based on a roadway's ability to function properly during periods of average traffic volume, but rather on its ability to function properly during periods of peak volume. However, evaluating and/or designing a roadway based on its ability to accommodate periods of peak traffic demand may result in: (1) underutilization of excess roadway capacity during all but one period throughout the entire year; and (2) economic inefficiency, where the cost of providing the excess capacity is greater than an equivalent amount of derived benefit. Therefore, selection of an appropriate design period (typically an hour or "design hour" as it is referred to) for use in preparing level of service evaluations and design studies takes into account the various types of traffic volume variation, and reflect a compromise between providing adequate capacity (at acceptable levels of service) throughout an entire year and achieving/maintaining some degree of both economic efficiency and cost affordability.

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Based on an analysis of traffic conditions and traffic volume variation characteristics displayed throughout Sarasota County, the 100th highest hour has been identified as the appropriate "design hour" that best provides an acceptable compromise between achieving/maintaining economic efficiency and providing acceptable levels of service throughout most of the year. Therefore, the level of service analyses were based on an evaluation of traffic volume conditions estimated or projected to occur during the 100th highest hour in the analysis year (e.g., the analysis year for "existing" conditions was 1987).

### Level of Service Analysis Procedure

The following procedure was followed in preparing the analysis of existing and future level of service conditions on those roadways within Sarasota County using existing and projected 100th highest hourly traffic volumes and the Generalized Level of Service Hourly Service Volume Tables presented in Attachment A, Pages E-10 through E-15.

#### Step 1. Identify Roadway Facility Types and Roadway Segments to be Analyzed

Given the various roles or functions that roadways can serve (i.e., providing access vs. providing mobility) and the fact that actual levels of service are only critical on roadways having some degree of mobility as their primary or secondary function, only those roadways functionally classified as major/minor arterials and collectors were included in the analysis of existing and future levels of service.

Recognizing that varying traffic volume, roadway geometric, and traffic control characteristics that prevail along an entire roadway can have a significant affect on levels of service regardless of facility type (e.g., freeway, arterial) or functional classification (e.g., major arterial, collector), each roadway analyzed was divided into discrete roadway "segments" and "sections."

Roadway "segments" represent the actual linear distance between points of fixed interruption, such as signalized or stop-controlled intersections

along arterials, multi-lane and two-lane highways, and ramp junctions along freeways. Defining roadway segments using points of fixed interruption was done: (1) because traffic count information collected within Sarasota County is collected on a segment-by-segment basis, where each segment is defined using similar points of fixed interruption; and (2) in order to accurately assess levels of service along roadways where significant variations in traffic volume may reflect different levels of service at different locations along those roadways. Roadway "segment" length was one of the primary determinants in identifying the appropriate analysis procedure (and in turn the appropriate generalized level of service table) to be used in assessing levels of service.

Roadway "sections" represent the average linear distance of all component segments that were aggregated into sections, where each component segment displayed comparable traffic volume, roadway geometric, traffic control, and adjacent land use activity along the segment. Roadway "sections" were also based on points of fixed interruption, where different sections were defined by:

- a change in laneage (e.g., 2 to 4 lanes); or
- a significant variation in length of adjacent segments (a difference of 20 percent or more); or
- a significant variation in traffic volume on adjacent segments (i.e., a difference of 20 percent or more); or
- a significant number of turning movements (i.e., equal to or greater than 20 percent of total roadway volume).

Given that only arterial levels of service are sensitive to segment length (typically an inverse function of the signalized intersection density along an arterial), dividing roadways into "sections" was only important for purposes of evaluating arterial roadway level of service, where the "section" lengths were used simply to identify the appropriate generalized service volume table.

### Step 2. Identify Appropriate Roadway Analysis Procedure

Each functionally classified major/minor arterial and collector was then classified into one of four (4) general facility types, each having a corresponding level of service analysis procedures: (1) freeway; (2) multi-lane highway; (3) two-lane rural highway; and (4) urban/suburban arterial. Each roadway was classified and assigned a particular analysis procedure based on the following roadway characteristic criteria.

#### Analysis Procedure/Facility Type and Roadway Characteristic Criteria

##### Freeway

- divided roadway; and
- two (2) or more travel lanes per direction; and
- full access control (limited to grade-separated ramp junctions).

##### Multi-Lane Highway

- divided or undivided roadway; and
- more than two (2) travel lanes per direction; and
- lack of full access control (where points of fixed interruption are generally spaced at intervals equal to or greater than two (2) miles).

##### Two-Lane Rural Highways

- undivided roadway; and
- one (1) travel lane per direction; and
- lack of full access control (where points of fixed interruption are generally spaced at intervals equal to or greater than two (2) miles).

##### Urban/Suburban Arterials

- divided or undivided roadway; and
- two (2) or more travel lanes per direction; and
- lack of full access control (where points of fixed interruption are generally spaced at intervals less than or equal to two (2) miles).

### Step 3. Identify Appropriate Generalized Level of Service Table

The Generalized Level of Service Hourly Service Volume Tables presented in Attachment A are divided into four (4) major categories, each corresponding to a general roadway facility type (i.e., freeway, multi-lane highway, two-lane highway, or arterial). The generalized level of service tables under each facility type are divided further based on specific traffic and roadway geometric characteristics that have a significant affect on levels of service.

In order to identify the appropriate generalized level of service table, it was necessary to identify those specific traffic and roadway characteristics for each roadway segment, based on its facility type classification that was determined in Step 2 above. The specific traffic and roadway geometric information required for each facility type is summarized and discussed below.

#### Required Traffic and Roadway Geometric Information by Facility Type

##### 1. Freeway

- number of lanes (both directions)
- character of adjacent development

##### 2. Multi-Lane Highways

- number of lanes (both directions)
- character of adjacent development

##### 3. Two-Lane Rural Highways

- percentage of No-Passing Zones

##### 4. Urban/Suburban Arterials

- number of lanes (both directions)
- segment length (miles)
- free-flow speed (mph)
- Arterial Class

##### 1. Freeways

For freeway segments, general information regarding the number of lanes (both directions) and adjacent development was required. The generalized level of service tables for freeways are broken down for 4, 6, and 8-lane segments. Adjacent development was assumed to have "rural" characteristics along all freeway segments in Sarasota County.

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## 2. Multi-Lane Highways

Similar to freeway segments, information regarding the number of lanes and adjacent development was required for multi-lane highway segments. The generalized tables of multi-lane highways are broken down for 4 and 6-lane segments, having either "rural" or "suburban" adjacent development characteristics.

## 3. Two-Lane Rural Highways

Information regarding the percentage of No-Passing Zones was required; however, 20 percent no-passing zones were assumed to prevail on all rural two-lane highway segments in Sarasota County.

## 4. Urban/Suburban Arterials

Information regarding number of lanes, segment length, Arterial Class, and free-flow speed was required for all arterial segments. The generalized tables are broken down for 2, 4, and 6-lane segments having free-flow speeds of 30, 35, 40, and 45 mph, and segment lengths (i.e., analysis "section" lengths) of: (1) .1 to .25 miles; (2) .26 to .5 miles; (3) .51 to .75 miles; (4) .76 to 1.0 miles; (5) 1.01 to 1.5 miles; and (6) 1.5 to 2.0 miles.

Arterial Class designations (i.e., Class I or Class II) were assigned based on the following criteria:

### Class I Arterials:

1. functionally classified Major Arterials; or
2. functionally classified Minor Arterials, having:
  - posted speed equal to or greater than 35 mph; and
  - segment length equal to or greater than .25 miles.

### Class II Arterials:

1. functionally classified Collectors; or
2. functionally classified Minor Arterials, having:
  - posted speed less than 35 mph; and
  - segment length less than .25 miles.

## Step 4. Adjust Average Daily Traffic (ADT) and Peak-Hour Traffic Volume to Annual Average Daily Traffic (AADT) Volume

Sarasota County collects traffic volume data for 24-hour 7-day periods at approximately 265 count stations throughout the year. The first step toward converting the 24-hour average daily traffic (ADT) volumes to the 100th highest hourly "design" volumes was to adjust the ADT volumes to an equivalent base. The conversion from ADT volumes to annual average daily traffic (AADT) volumes was accomplished using weekly Seasonal Adjustment Factors, as presented in Attachment B. Weekly seasonal adjustment factors for three (3) general roadway facility types (i.e., major arterials, minor arterials, and collectors) were derived based on an analysis of 24-hour 365-day traffic volume data collected from two (2) permanent traffic count stations located in Sarasota County.

The conversion of ADT volumes to AADT volumes was accomplished by dividing the 24-hour ADT volumes by the appropriate weekly seasonal adjustment factor that corresponded to the week during which the ADT volume count was taken.

While Sarasota County and the Florida Department of Transportation (FDOT) generally collect traffic volume data on a 24-hour (ADT) basis, only peak-hour volume counts were available at some locations being analyzed. In order to adjust the peak-hour volumes to represent AADT volumes, the peak-hour volumes were first converted to ADT volumes using a Peak-Hour to Daily Volume Percentage Factor. Peak-hour to daily volume percentage factors were derived based on an analysis of 24-hour traffic volume data from twenty (20) count stations located throughout Sarasota County. Peak-hour to daily percentage factors ranged from .076 to .101, with a countywide average of .088.

The conversion of peak-hour volumes to ADT volumes was accomplished by dividing the peak-hour volumes by the average peak-hour to daily

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percentage factor (.088). The ADT volumes were then converted to AADT volumes following the procedure identified above.

#### **Step 5. Adjust Average Annual Daily (AADT) Volume to the 100th Design Hourly Volume (DHV)**

The conversion from AADT volumes to the 100th design hourly volume (DHV) was accomplished using Design-Hour Adjustment Factors (a.k.a. "K-Factors"), as presented in Attachment C. The design-hour adjustment factors were derived based on an analysis of 24-hour 365-day traffic volume data (factored up from 24-hour 7-day traffic volume data using the seasonal adjustment factors) from twenty (20) count stations throughout Sarasota County. "K-Factors" ranged from .1107 for roadways having AADT volumes equal to or less than 2,000 vehicles to .0832 for roadways having AADT volumes equal to or greater than 60,000 vehicles.

The conversion of AADT volumes to DHV volumes was accomplished by multiplying the AADT volumes by the appropriate "K-Factor" that correspond to the roadway AADT volumes.

#### **Step 6. Identify Roadway Level of Service**

For each roadway segment, the 100th design hourly volume (DHV) as identified in Step 5 was then compared to the service volumes presented in the appropriate generalized level of service table as identified in Step 3. Because levels of service are defined along a continuum of operational conditions, the hourly service volumes presented in the generalized level of service tables define the boundaries, or maximum volume sustainable that the given level of service. As an example, consider a 4-lane arterial roadway segment having a 45 mph free-flow speed and a 2 mile analysis section length. Looking at the appropriate generalized level of service table (as presented below), if the design-hour volume (DHV) was 3300 vehicles, then the level of service would be LOS "D." A DHV volume of 4100 vehicles would indicate LOS "F."

**Arterial Class: 1**

**Free-Flow Speed: 45 mph**

**Segment Length: 1.51 to 2.0 miles**

Lanes	Level of Service				
	A	B	C	D	E
2	1320	1480	1650	1730	1900
4	2640	2970	3220	3460	3790
6	4040	4450	4780	5190	5610

## Attachment A: Generalized Level of Service Hourly Service Volume Tables

## Assumptions Used in the Development of the Generalized Level of Service Hourly Service Volume Tables

Parameters	Freeway	Arterial	Multi-Lane Highway	Two-Lane Highway
Area Type	NA	non-CBD	NA	NA
Terrain	level	level	level	level
Adjacent Development	NA	NA	(see Note 6)	NA
Facility Type	NA	NA	divided	NA
Lane Width	12 feet	12 feet	12 feet	12 feet
Design Speed	70 mph	NA	60 mph	NA
Shoulder Width	NA	NA	> 6 feet	> 6 feet
Lateral Clearance	> 6 feet	NA	NA	NA
Side Obstructions	one side	NA	one side	NA
Arterial Class	NA	(see Note 1)	NA	NA
Free-Flow Speed	NA	(see Note 2)	NA	NA
% No Passing Zones	NA	NA	NA	20 percent
Progression/Arrival Type	NA	Type 4	NA	NA
Signal Type	NA	pre-timed	NA	NA
Cycle Length	NA	(see Note 3)	NA	NA
% Green Time (g/C)	NA	(see Note 4)	NA	NA
Service (Saturation) Flow Rates	(see Note 5)	(see Note 5)	(see Note 5)	(see Note 5)
% Trucks	0.09	.05	.06	.06
% Buses	0.00	.00	.00	.00
% RV's	0.01	.01	.01	.01
% Left-turns	NA	.25	NA	NA
Number of Buses	NA	none	NA	NA
Number of Parking Maneuvers	NA	none	NA	NA
Driver Population Factor	90% of reg. user	NA	90% of reg. user	NA
Directional Distribution (D-Factor)	.57	.57	.57	.57
Design-Hour Factor (K-Factor)	(see Note 7)	(see Note 7)	(see Note 7)	(see Note 7)
Peak-Hour Factor (PHF)	.92	.94	.91	.88

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## Notes:

- (1) Arterial Class: I and II
- (2) Free-Flow Speeds: Arterial Class I-35, 40, and 45 mph; Arterial Class II-30 and 35 mph
- (3) Cycle Length: Arterial Class I-108 seconds; Arterial Class II-95 seconds
- (4) % Green Time (g/C): Arterial Class I-.45; Arterial Class II-.35
- (5) Service Flow Rates: Freeway-1,700 veh/ln/hr; Arterial-1,765 veh/ln/hr; Multi-Lane Highway-1,550 veh/ln/hr; Two-Lane Rural Highway-2,625 veh/ln/hr
- (6) Adjacent Development-Rural and Suburban
- (7) Design-Hour Factor: See Attachment C, Design-Hour Adjustment Factors ("K-Factors"), Page E-17

## Generalized Level of Service-Hourly Service Volumes

## Arterial Class I

Free-Flow Speed: 35

Segment Length: 1 to .25 miles

Level of Service					
Lanes	A	B	C	D	E
2	NA	NA	NA	1070	1320
4	NA	NA	NA	2140	2640
6	NA	NA	NA	3300	3960

Segment Length: .76 to 1.0 miles

Level of Service					
Lanes	A	B	C	D	E
2	NA	1070	1400	1480	1650
4	NA	2310	2800	2970	3220
6	NA	3550	4200	4540	4860

Segment Length: .26 to .5 miles

Level of Service					
Lanes	A	B	C	D	E
2	NA	330	1150	1320	1480
4	NA	580	2470	2720	2890
6	NA	820	3790	4120	4370

Segment Length: 1.01 to 1.5 miles

Level of Service					
Lanes	A	B	C	D	E
2	NA	1320	1480	1650	1730
4	NA	2640	2970	3220	3460
6	NA	3960	4370	4780	5190

Segment Length: .51 to .75 miles

Level of Service					
Lanes	A	B	C	D	E
2	NA	990	1320	1400	1570
4	NA	2060	2640	2890	3130
6	NA	3130	4040	4370	4620

Segment Length: 1.51 to 2.0 miles

Level of Service					
Lanes	A	B	C	D	E
2	NA	1320	1570	1730	1810
4	NA	2720	3050	3380	3710
6	NA	4040	4620	5030	5520

## Arterial Class 1

Free-Flow Speed: 40

Segment Length: 1 to .25 miles

Level of Service					
Lanes	A	B	C	D	E
2	NA	NA	410	1070	1320
4	NA	NA	820	2310	2640
6	NA	NA	1150	3550	3960

Segment Length: .76 to 1.0 miles

Level of Service					
Lanes	A	B	C	D	E
2	330	1320	1400	1570	1650
4	580	2640	2800	3050	3300
6	910	3960	4290	4620	4950

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Segment Length: .26 to .5 miles

Level of Service					
Lanes	A	B	C	D	E
2	NA	910	1240	1400	1480
4	NA	1900	2560	2720	2970
6	NA	2800	3880	4120	4370

Segment Length: 1.01 to 1.5 miles

Level of Service					
Lanes	A	B	C	D	E
2	990	1400	1480	1650	1810
4	2060	2720	3050	3300	3550
6	3130	4120	4540	4860	5280

Segment Length: .51 to .75 miles

Level of Service					
Lanes	A	B	C	D	E
2	NA	1150	1320	1480	1570
4	NA	2390	2720	2890	3130
6	NA	3630	4120	4370	4700

Segment Length: 1.51 to 2.0 miles

Level of Service					
Lanes	A	B	C	D	E
2	1070	1400	1570	1730	1900
4	2310	2890	3130	3460	3710
6	3550	4290	4700	5110	5610

**Arterial Class I**

Free-Flow Speed: 45

Segment Length: .1 to .25 miles

Level of Service					
Lanes	A	B	C	D	E
2	NA	NA	660	1150	1320
4	NA	NA	1240	2390	2640
6	NA	NA	1900	3630	3960

Segment Length: .76 to 1.0 miles

Level of Service					
Lanes	A	B	C	D	E
2	1070	1320	1480	1570	1650
4	2140	2640	2890	3130	3300
6	3300	4040	4370	4620	4950

Segment Length: .26 to .5 miles

Level of Service					
Lanes	A	B	C	D	E
2	NA	990	1240	1400	1480
4	NA	2140	2640	2800	2970
6	NA	3220	3960	4200	4450

Segment Length: 1.01 to 1.5 miles

Level of Service					
Lanes	A	B	C	D	E
2	1240	1400	1570	1650	1810
4	2560	2800	3050	3300	3550
6	3880	4290	4620	4950	5360

Segment Length: .51 to .75 miles

Level of Service					
Lanes	A	B	C	D	E
2	NA	1150	1320	1480	1570
4	NA	2470	2720	2970	3130
6	NA	3790	4120	4370	4700

Segment Length: 1.51 to 2.0 miles

Level of Service					
Lanes	A	B	C	D	E
2	1320	1480	1650	1730	1900
4	2640	2970	3220	3460	3790
6	4040	4450	4780	5190	5610

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**Arterial Class II**  
**Free-Flow Speed: 30**

Segment Length: .1 to .25 miles

Level of Service					
Lanes	A	B	C	D	E
2	NA	NA	580	910	1070
4	NA	NA	1240	1900	2140

Segment Length: .26 to .5 miles

Level of Service					
Lanes	A	B	C	D	E
2	NA	NA	990	1070	1150
4	NA	NA	1980	2140	2390

Segment Length: .51 to .75 miles

Level of Service					
Lanes	A	B	C	D	E
2	NA	740	1070	1150	1320
4	NA	1570	2140	2310	2560

Segment Length: .76 to 1.0 miles

Level of Service					
Lanes	A	B	C	D	E
2	NA	910	1150	1240	1320
4	NA	1810	2230	2390	2640

Segment Length: 1.01 to 1.5 miles

Level of Service					
Lanes	A	B	C	D	E
2	NA	990	1150	1320	1480
4	NA	2060	2390	2640	2890

Segment Length: 1.51 to 2.0 miles

Level of Service					
Lanes	A	B	C	D	E
2	NA	1070	1240	1400	1570
4	NA	2140	2470	2720	3050

**Arterial Class II**  
**Free-Flow Speed: 35**

Segment Length: .1 to .25 miles

Level of Service					
Lanes	A	B	C	D	E
2	NA	NA	660	910	1070
4	NA	NA	1480	1980	2140

Segment Length: .26 to .5 miles

Level of Service					
Lanes	A	B	C	D	E
2	NA	820	990	1070	1240
4	NA	1650	2060	2230	2390

Segment Length: .51 to .75 miles

Level of Service					
Lanes	A	B	C	D	E
2	NA	910	1070	1150	1320
4	NA	1900	2230	2390	2560

Segment Length: .76 to 1.0 miles

Level of Service					
Lanes	A	B	C	D	E
2	490	990	1150	1240	1400
4	910	2060	2310	2470	2720

Segment Length: 1.01 to 1.5 miles

Level of Service					
Lanes	A	B	C	D	E
2	820	1070	1240	1320	1480
4	1650	2230	2470	2640	2970

Segment Length: 1.51 to 2.0 miles

Level of Service					
Lanes	A	B	C	D	E
2	910	1150	1320	1400	1570
4	1980	2310	2560	2800	3130

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**Facility Type: Multi-Lane Divided Highway**

<u>Adjacent Development: Rural</u>						<u>Adjacent Development: Suburban</u>					
Level of Service						Level of Service					
Lanes	A	B	C	D	E	Lanes	A	B	C	D	E
4	1810	2740	3570	4390	5480	4	1630	2470	3210	3950	4940
6	2710	4110	5350	6580	8230	6	2440	3700	4810	5920	7400

**Facility Type: Two-Lane Rural Highway**

<u>No. Passing Zones: 20 Percent</u>					
Level of Service					
Lanes	A	B	C	D	E
2	280	540	880	1430	2310

**Facility Type: Freeway**

<u>Adjacent Development: Rural/Suburban</u>					
Level of Service					
Lanes	A	B	C	D	E
4	1900	2930	4180	5060	5440
6	2850	4400	6280	7580	8150
8	3800	5870	8370	10110	10870

**Notes:**

Maximum volumes are based on capacity/level of service analysis procedures contained in the 1985 Highway Capacity Manual (Transportation Research Board Special Report No. 209) and Sarasota County traffic characteristic, roadway geometric, and traffic signal control data.

NA indicates level-of-service is not achievable under the given traffic, roadway, and traffic control conditions.

Source: Sarasota County Planning Department, August, 1988.

## Attachment B: Seasonal Adjustment Factors

Major Arterial			Minor Arterial/Collector		
Week	Month	Factor	Week	Month	Factor
1	Jan	1.025	27	Jul	0.981
2		1.017	28		0.977
3		0.963	29		0.984
4		0.999	30		1.005
5	Feb	0.966	31		1.164
6		0.959	32	Aug	1.032
7		0.939	33		0.997
8		0.934	34		1.022
9		0.923	35		1.040
10	Mar	0.935	36	Sep	0.996
11		0.944	37		0.994
12		0.963	38		1.023
13		0.960	39		1.005
14	Apr	0.933	40	Oct	1.013
15		0.902	41		1.040
16		0.923	42		1.032
17		0.947	43		1.037
18	May	0.964	44		1.059
19		0.980	45	Nov	1.052
20		0.975	46		1.052
21		1.049	47		1.151
22		0.973	48		1.031
23	Jun	0.979	49	Dec	1.033
24		0.962	50		1.015
25		0.967	51		1.114
26		0.963	52		1.132
1	Jan	1.038	27	Jul	1.081
2		1.045	28		1.161
3		0.954	29		1.097
4		0.956	30		1.092
5	Feb	0.941	31		1.106
6		0.931	32	Aug	1.089
7		0.962	33		1.095
8		0.931	34		1.074
9		0.939	35		1.012
10	Mar	0.940	36	Sep	1.092
11		0.943	37		1.026
12		0.929	38		1.033
13		0.921	39		1.017
14	Apr	0.935	40	Oct	1.029
15		0.949	41		0.995
16		0.976	42		1.025
17		0.979	43		1.003
18	May	0.991	44		0.982
19		1.002	45	Nov	0.972
20		1.005	46		0.957
21		1.020	47		0.958
22		1.060	48		0.943
23	Jun	1.033	49	Dec	1.021
24		1.045	50		0.921
25		1.069	51		0.917
26		1.076	52		0.889

Source: Sarasota County Planning Department, August, 1988.

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## Attachment C: 100th Design-Hour Adjustment Factors ("K-Factors")

Average Annual Daily Traffic (AADT)	100th Hour Adjustment Factor (K-Factor)	Average Annual Daily Traffic (AADT)	100th Hour Adjustment Factor (K-Factor)
0 to 1999	0.1107	3000 to 31999	0.0965
2000 to 3999	0.1106	32000 to 33999	0.0964
4000 to 5999	0.1105	34000 to 35999	0.0958
6000 to 7999	0.1094	36000 to 37999	0.0914
8000 to 9999	0.1093	38000 to 39999	0.0912
10000 to 11999	0.1092	40000 to 41999	0.0911
12000 to 13999	0.1043	42000 to 43999	0.0901
14000 to 15999	0.1041	44000 to 45999	0.0899
16000 to 17999	0.1040	46000 to 47999	0.0898
18000 to 19999	0.1030	48000 to 49999	0.0849
20000 to 21999	0.1029	50000 to 51999	0.0848
22000 to 23999	0.1027	52000 to 53999	0.0846
24000 to 25999	0.0978	54000 to 55999	0.0836
26000 to 27999	0.0977	56000 to 57999	0.0835
28000 to 29999	0.0976	58000 to 59999	0.0834
		60000 +	0.0832

Source: Sarasota County Planning Department, August, 1988.

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## Section 3: Year 2010 Future Thoroughfare Plan

Facility	Facility Location	Laneage
<b>Freeways/Expressways</b>		
1. I-75 (S.R.93)	University Parkway to S.R. 681	8
2. I-75 (S.R.93)	S.R. 681 to DeSoto County Line	6
3. S.R. 681 (Venice Connector)	I-75 (S.R. 93) to U.S. 41 (S.R. 45)	6
<b>Major Arterials</b>		
1. 17th Street	Lockwood Ridge Road to Beneva Road	4
2. Airport Connector	DeSoto Road to University Parkway	6
3. Bee Ridge Road (S.R. 758)	U.S. 41 (S.R. 45) to I-75	6
4. Bee Ridge Road	I-75 to Bee Ridge Extension	4
5. Beneva Road	17th Street to U.S. 41 (S.R. 45)	4
6. Center Road	U.S. 41 (S.R. 45) to River Road	4
7. Clark Road (S.R. 72)	Swift Road to I-75 (S.R. 93)	6
8. Clark Road (S.R. 72)	I-75 (S.R. 93) to DeSoto County Line	2
9. DeSoto Road	U.S. 41 (S.R. 45) to Airport Connector	6
10. Englewood Road (S.R. 775)	U.S. 41 (S.R. 45) to Keyway Road	6
11. Englewood Rd./Indiana Ave. (S.R. 775)	Keyway Road to Charlotte County Line	4
12. Fruitville Road (S.R. 789)	U.S. 301 (S.R. 683) to I-75 (S.R. 93)	6
13. Fruitville Road (S.R. 789)	I-75 (S.R. 93) to Bee Ridge Extension	4
14. Fruitville Road (S.R. 789)	Bee Ridge Extension to Verna Road	2
15. Honore Avenue	University Parkway to S.R. 681 (Venice Connector)	6
16. Jacaranda Boulevard	Laurel Road to Center Road	4
17. Keyway Road	Englewood Road (S.R. 775) to Pine Street	4
18. Laurel Road	U.S. 41 (S.R. 45) to Jacaranda Boulevard	4
19. Lockwood Ridge Road	University Parkway to 17th Street	4
20. Pine Street	River Road to Charlotte County Line	6
21. Pinebrook Road	S.R. 681 (Venice Connector) to Center Road	6
22. River Road	I-75 (S.R. 93) to Pine Street	4
23. Stickney Point Road (S.R. 72)	U.S. 41 (S.R. 45) to Swift Road	6
24. Toledo Blade Boulevard	I-75 (S.R. 93) to Charlotte County Line	4
25. University Parkway	Airport Connector to I-75 (S.R. 93)	6
26. University Parkway	I-75 (S.R. 93) to unnamed rd. 1.5 mi. east	4
27. U.S. 301 (S.R. 683)	University Parkway to 17th Street	6
28. U.S. 301 (S.R. 683)	17th Street to U.S. 41 (S.R. 45)	4
29. U.S. 41 By-Pass	U.S. 41 (S.R. 45) to U.S. 41 (S.R. 45A)	6
30. U.S. 41 (S.R. 45)	Manatee County Line to U.S. 301 (S.R. 683)	4
31. U.S. 41 (S.R. 45)	U.S. 301 (S.R. 683) to Charlotte County Line	6
32. Venice Avenue	U.S. 41 By-Pass (S.R. 45A) to River Road	4
33. Verna Road	Fruitville Road to Manatee County Line	2

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Facility	Facility Location	Laneage
<b>Minor Arterials</b>		
1. 17th Street	U.S. 301 (S.R. 683) to Lockwood Ridge Road	4
2. 17th Street	Beneva Road to Honore Avenue	4
3. Bahia Vista Street	U.S. 41 (S.R. 45) to Cattlemen Road	4
4. Bee Ridge Rd./Bay Street (S.R. 758)	Osprey Avenue to U.S. 41 (S.R. 45)	4
5. Brown Road	University Parkway to Fruitville Road (S.R. 789)	4
6. Cattlemen Road	Fruitville Road (S.R. 789) to Proctor Road	4
7. Dearborn Street	Indiana Avenue (S.R. 775) to River Road	4
8. DeSoto Road	Airport Connector to Brown Road	4
9. Englewood Road	Indiana Avenue (S.R. 775) to Dearborn Street	2
10. Gulf of Mexico Drive (S.R. 789)	Manatee County Line to Ringling Boulevard	2
11. Higel Avenue	Siesta Drive (S.R. 758) to Midnight Pass Road (S.R. 758)	2
12. Jacaranda Boulevard	Center Road to Englewood Road (S.R. 775)	4
13. McIntosh Road	17th Street to U.S. 41 (S.R. 45)	4
14. Midnight Pass Road	Higel Avenue (S.R. 758) to Stickney Point Road (S.R. 758)	2
15. Proctor Road	U.S. 41 (S.R. 45) to Clark Road (S.R. 72)	4
16. Ringling Boulevard	Gulf of Mexico Drive (S.R. 789) to U.S. 41 (S.R. 45)	4
17. Siesta Drive (S.R. 758)	Higel Avenue (S.R. 758) to Osprey Street	2
18. Stickney Point Road (S.R. 72)	Midnight Pass Road (S.R. 758) to U.S. 41 (S.R. 45)	4
19. Swift Road	Bee Ridge Road (S.R. 758) to Clark Road (S.R. 72)	4
20. Tuttle Avenue	University Parkway to Bee Ridge Road (S.R. 758)	4
21. Bee Ridge Extension	Fruitville Road to Clark Road (S.R. 72)	4
22. Unnamed Road	University Parkway to Bee Ridge Road (S.R. 758)	4
23. Gissinger Boulevard	Indiana Avenue (S.R. 775) to North Port City Limits	4
24. Venice East Avenue Ext.	U.S. 41 (S.R. 45) to Keyway Road	4
<b>Major Collectors</b>		
1. 17th Street	U.S. 41 (S.R. 45) to U.S. 301 (S.R. 683)	2
2. Albee Farm Road	Laurel Road to U.S. 41 (S.R. 45)	4
3. Capri Isles Boulevard	Laurel Road to Venice Avenue	4
4. Colonia/Border/River Road	U.S. 41 (S.R. 45) to I-75 (S.R. 93)	4
5. Dearborn Street	Englewood Road to Indiana Avenue (S.R. 775)	2
6. Gantt Road	Proctor Road to Clark Road (S.R. 72)	4
7. Harbor Drive	Venice Avenue to Beach Road	4
8. Jackson Road	Venice Avenue to Center Road	4
9. Lockwood Ridge Road	17th Street to 12th Street	2
10. Lockwood Ridge Road	Webber Street to Clark Road (S.R. 72)	2
11. Longmeadow Boulevard	17th Street to Honore Avenue	4
12. Myrtle Street	U.S. 41 (S.R. 45) to Honore Avenue	4
13. Palmer Boulevard	Honore Avenue to Bee Ridge Extension	2
14. Palmer Ranch Parkway	Beneva Road to Honore Avenue	4
15. Livingstone Extension	U.S. 41 (S.R. 45) to Honore Avenue	4
16. Shade Avenue	Fruitville Road (S.R. 789) to Proctor Road	2
17. Webber Street	U.S. 41 (S.R. 45) to Cattlemen Road	4
Continued on next page		

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Facility	Facility Location	Laneage
18. Wilkinson Road	Swift Road to Cattlemen Road	2
19. Bay Street	U.S. 41 (S.R. 45) to Honore Avenue	4
20. Rockley Boulevard	Center Road to U.S. 41 (S.R. 45)	4
21. Beach Access Drive	U.S. 41 (S.R. 45) to Harbor Drive	4
22. Artists Avenue	Englewood Road to North Port City Limits	2
23. Auburn Road	Border Road to Venice Avenue	2
24. Hatchett Creek Boulevard	Pinebrook Road to Jacaranda Boulevard	2
25. Sarasota Square Boulevard	Beneva Road to McIntosh Road	4
26. Sawyer Road	Bee Ridge Road (S.R. 758) to Clark Road (S.R. 72)	2
27. Venice Avenue	Gulfwater to U.S. 41 By-Pass (S.R. 45A)	4
<b>Minor Collectors</b>		
1. 27th Street	U.S. 301 (S.R. 683) to Lockwood Ridge Road	2
2. Albee Road	Casey Key Road to U.S. 41 (S.R. 45)	2
3. Baffin Drive	Shamrock Drive to U.S. 41 (S.R. 45)	2
4. Beach Road	Ocean Boulevard to Midnight Pass Road	2
5. Blackburn Point Road	Casey Key Road to U.S. 41 (S.R. 45)	2
6. Casey Key Road	Blackburn Point Road to Albee Road	2
7. DeLeon Drive	U.S. 41 (S.R. 45) to Ortiz Boulevard	2
8. Gateway Avenue	Stickney Point Road (S.R. 72) to Gulf Gate Drive	2
9. Gulf Gate Drive	U.S. 41 (S.R. 45) to Beneva Road	4
10. Jackson Road	Border Road to Venice Avenue	2
11. Manasota Beach Road	Manasota Key Road to Englewood Road (S.R. 775)	2
12. Manasota Key Road	Manasota Beach Road to Charlotte County Line	2
13. Midnight Pass Road	Stickney Point Road (S.R. 72) to end	2
14. Ocean Boulevard	Higel Avenue (S.R. 758) to Beach Road	2
15. Old Venice Road	Bay Street to U.S. 41 (S.R. 45)	2
16. Ortiz Boulevard	DeLeon Drive to U.S. 41 (S.R. 45)	2
17. Richardson Road	Honore Avenue to Brown Road	2
18. Sawyer Loop Road	Clark Road (S.R. 72) to Clark Road (S.R. 72)	2
19. Shamrock Boulevard	U.S. 41 (S.R. 45) to Center Road	2
20. Shamrock Drive	Baffin Drive to U.S. 41 (S.R. 45)	2
21. Beach/Airport Drive	Harbor Drive to Airport Avenue	2
22. South Venice Boulevard	Lemon Bay Drive to U.S. 41 (S.R. 45)	2
23. Venice East Boulevard	Center Road to U.S. 41 (S.R. 45)	4
24. Hatchett Creek Drive	Hatchett Creek Boulevard to Center Road	2
25. Longwood Run Boulevard	DeSoto Road to University Parkway	2
26. Ashton Road	Sawyer Road to Gantt Road	2
27. Lockwood Ridge Road	Clark Road (S.R. 72) to Gulf Gate Drive	2
28. Haul Road	Laurel Road to Rustic Road	2

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## **Section 4: Operating Levels Of Service Standards For The State Highway System**



### **POLICY STATEMENT**

Effective: November 28, 1988  
Topic No.: 000-525-005-a  
Reference: s. 339.155(6), F.S.  
s. 334.044(2), F.S.  
s. 334.044(21), F.S.

### **OPERATING LEVEL OF SERVICE STANDARDS FOR THE STATE HIGHWAY SYSTEM**

The Florida Department of Transportation shall plan, manage and operate the State Highway System consistent with the Florida Department of Transportation standards adopted in Standards # 525-000-005-a.

A handwritten signature in black ink, appearing to read "Kaye N. Henderson".

Kaye N. Henderson, P.E.,  
Secretary

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FLORIDA  
ONE PARTIAL  
GOVERNOR



DEPARTMENT OF TRANSPORTATION

DAVE R. HENDERSON  
SECRETARY

Approved:

*Larry W. Henderson, P.E.*

Effective: November 28, 1988  
Responsible Off.: Policy  
Topic No.: 525-000-005-a

Florida Department of Transportation  
Operating Level of Service Standards for the State Highway System

**PURPOSE:** To update the department's acceptable minimum operating level of service standards for the State Highway System.

**AUTHORITY:** Section 339.155(6), s. 334.044(2), and s. 334.044(21), F.S.

**BACKGROUND:** In September 1986, the department established, through the Florida Transportation Plan, acceptable minimum operating level of service standards for the State Highway System. These standards require updating to provide direction to department personnel on issues related to the preparation and implementation by local governments of the comprehensive plans required by Chapter 163, F.S. These updated standards shall be published in the next update of the Florida Transportation Plan and reflected in the agency operating policies in the next update of the Program and Resource Plan. The standards reflect a broad consensus on land-use/transportation relationships, and were developed in cooperation with each of the FDOT districts, other state agencies, MPO's, RPC's, professional organizations, and local governments.

**STANDARDS:** The following standards are hereby adopted for use by central and district offices for developing long-range transportation plans, program policies, procedures, and guidelines; for providing technical assistance; for reviewing and commenting on local government comprehensive plans and developments of regional impacts; and for reporting system conditions on the State Highway System.

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Topic No.: 525-000-005-a  
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**STATEWIDE MINIMUM ACCEPTABLE OPERATING LEVEL  
OF SERVICE STANDARDS FOR THE STATE HIGHWAY SYSTEM<sup>1</sup>**

Roadway Type <sup>2</sup>	Existing Urbanized Areas <sup>3</sup>	Other Existing Cities <sup>4</sup>	Transitioning Urbanized or Incorporated Areas <sup>5</sup>	Rural Areas <sup>6</sup>
Freeways	D	C	C	C
Principal Arterials	D	C	C	C
Minor Arterials & Others	E	D	D	D
<b>SPECIAL CONSIDERATIONS</b>				
	Special Transportation Areas <sup>7</sup>	Parallel to Exclusive Transit Facility <sup>8</sup>	Constrained Facility <sup>9</sup>	Backlogged Facility <sup>10</sup>
Freeways	D	D	Maintain <sup>11</sup>	Maintain & Improve <sup>12</sup>
Principal Arterials	E	E	Maintain	Maintain & Improve
Minor Arterials & Others	E	E	Maintain	Maintain & Improve

1 - The operating levels of service designate lowest quality design hour (30th highest hour) operating conditions from the present through a 20-year planning horizon. These standards are to be used for general planning applications and should not be used for detailed design or traffic operation analyses. For corresponding traffic volumes for each level of service, consult the Department's level of service maximum volumes tables.

The following table gives the general relationship between the level of service letters (A,B,C,D,E, and F) and the average travel speed during the peak hour on typical sections of freeways and arterial highways in Florida.<sup>13</sup>

**AVERAGE TRAVEL SPEED DURING THE PEAK HOUR**

<u>LEVEL OF SERVICE</u>	<u>FREWAYS/INTERSTATE HIGHWAYS (IN MILES PER HOUR)</u>	<u>ARTERIAL HIGHWAYS (IN MILES PER HOUR)</u>
A	greater than 59	greater than 34
B	from 57 to 59	from 28 to 34
C	from 54 to 56	from 22 to 27
D	from 46 to 53	from 17 to 21
E	from 30 to 45	from 13 to 16
F	less than 30	less than 13

Explanatory footnotes 2-13 are on the back.

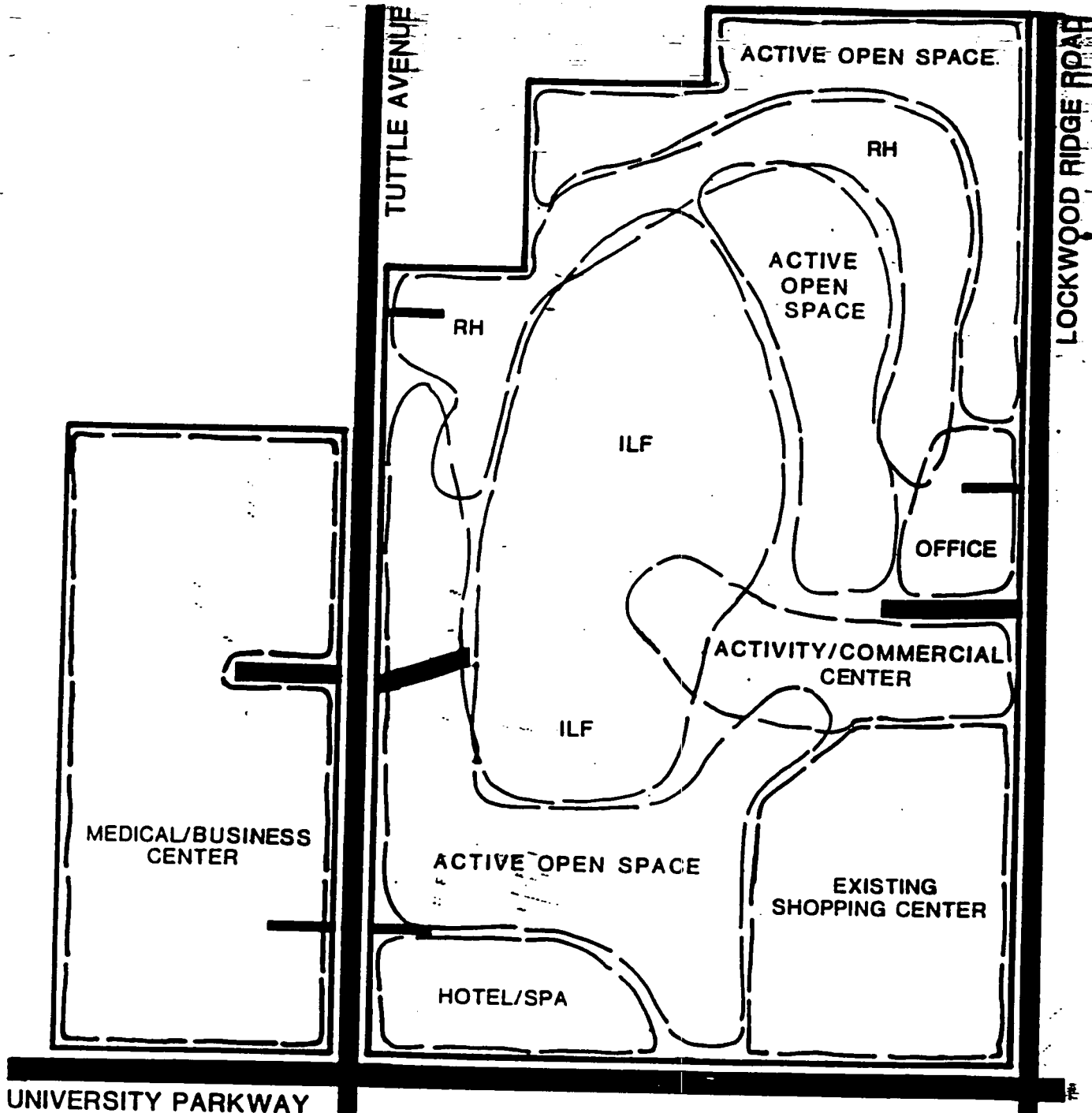
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STATEWIDE MINIMUM ACCEPTABLE OPERATING LEVEL OF SERVICE  
STANDARDS FOR THE STATE HIGHWAY SYSTEM (cont.)

2. Roadway type is based on functional classification categories as presented in Chapter 334 F.S.; freeways are fully controlled limited access principal arterials.
3. An area consisting of an incorporated place and adjacent densely settled surrounding area that together have a minimum population of 50,000. These areas are initially established by the U.S. Bureau of Census with the decennial census and for transportation purposes adjusted slightly by MPO's/FDOT/FHWA. For transportation planning purposes, the present day boundaries may be updated by an MPO using U.S. Bureau of Census urbanized area criteria.
4. Any incorporated city outside an existing urbanized area.
5. Existing generally undeveloped areas projected to become parts of urbanized areas or other cities (see footnotes 3 and 4) in the next approximately 20 years. In general, these boundaries may be obtained from the urbanized boundaries established by MPO's using U.S. Bureau of Census urbanized area criteria in urbanized areas and from "urban" land use boundaries in the future land use map of local government comprehensive plans developed by local governments for other areas.
6. Areas currently and projected in the next approximately 20 years not having urban or urbanized characteristics described in footnotes 3, 4 and 5.
7. Compact geographic areas in which growth management considerations outweigh the Department's policy of operating the State Highway System at the minimum acceptable levels of service appearing in this table. Conceptually, STAs may include central business districts, outlying business districts, Area-wide Developments of Regional Impact and regional activity centers; they do not apply to whole cities or to strip development along individual highway corridors.
8. Roadways generally parallel to and within one half mile of a transit facility operating on exclusive transit facility and serving home/work trips. Currently this category includes Tri-County Commuter Rail and Metrorail. Highway with exclusive bus lanes could be included. Downtown people mover facilities and highways with high occupancy vehicle lanes are not included.
9. A roadway, regardless of transportation needs, which is constrained from adding at least two additional through lanes. Physical constraints primarily involve intensive land use development adjacent to the roadway making expansion cost-prohibitive or when the Department's maximum through lane standards are already achieved. Only if the constrained facility is not currently operating at a minimum acceptable operating speed, does the minimum standard apply.
10. A roadway which is not constrained, is not scheduled for major capacity improvements in the Department's 5-Year Work Program and which does not currently meet the minimum acceptable levels of service appearing in this table.
11. The Department and local governments will commit to not further degrade operating conditions of the roadway below the current average travel speed.
12. The Department and local governments will commit to not further degrade operating conditions of the roadway below the current average travel speed until the roadway is upgraded. After roadway or operational improvements are made, the roadway should operate at or above the adopted minimum standards.
13. Level of service criteria and definitions are obtained from the 1935 Highway Capacity Manual.

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**LEGEND**

ILF - Independent Living Facility  
 RH - Retirement Housing

NOTE: This map is intended to be only illustrative/schematic in nature and is not intended to reflect precise land use locations.

Greiner, Inc.

MAP REVISED 6/90    MAP REVISED 5/89  
 MAP REVISED 7/90    MAP REVISED 11/89  
**REVISED MAP H**

# UNIVERSITY COMMONS

## MASTER DEVELOPMENT PLAN



ADOPTED: OCTOBER 1, 1991

FILED: OCTOBER 11, 1991

Effective:

ORDINANCE NO. 91-39 OCTOBER 11, 1991

SEWER USE ORDINANCE

AN ORDINANCE OF MANATEE COUNTY COVERING THE USE OF THE COUNTY  
WASTEWATER DELIVERY, TREATMENT AND DISPOSAL SYSTEM

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, SUPERSEDING AND REPLACING ORDINANCE 88-01, SETTING FORTH THE NECESSITY FOR CONTROL OR THE USAGE OF THE PUBLIC WASTEWATER SYSTEM; PROVIDING DEFINITIONS; PROVIDING FOR USE OF THE PUBLIC WASTEWATER SYSTEM; SETTING FORTH PROHIBITIONS AND LIMITATIONS ON USE OF THE COUNTY SYSTEM; SETTING FORTH PROHIBITIONS AND REQUIREMENTS FOR INDUSTRIAL, COMMERCIAL AND OTHER THAN RESIDENTIAL USERS; REQUIRING PERMITS; PROVIDING FOR FEES AND CHARGES; PROVIDING FOR ENFORCEMENT AND PENALTIES; REGULATING HAULERS OF SEPTAGE; PROVIDING FOR PERMIT FEES AND OTHER CHARGES; PROVIDING FOR ADMINISTRATIVE ENFORCEMENT REMEDIES; PROVIDING FOR AN EFFECTIVE DATE AND FOR SEVERABILITY.

WHEREAS, the County of Manatee, a political subdivision of the State of Florida, is the owner and operator of a County Water and Wastewater System under the "Manatee County Public Works Department," pursuant to the provisions of Chapter 63-1598, Laws of Florida, as amended, the provisions of Chapter 153, Florida Statutes, the provisions of County Ordinance 82-1 (codified as Chapter 2-31, Article III, Sections 51 through 53 of the Code of Laws of Manatee County) and other applicable provisions of law, together with resolutions duly adopted by the Board of County Commissioners of Manatee County, Florida; and

WHEREAS, pursuant to Sections 381.272 and 381.273, Florida Statutes, the State of Florida Department of Health and Rehabilitative Services is responsible for privately owned onsite sewage disposal, including septic system and

WHEREAS, Manatee County has agreed to an EPA and DER grant requirement to enact a sewer use ordinance, the provisions of which must be in accordance with EPA Regulation 40 CFR 35.2103; and

WHEREAS, the Board of County Commissioners gave notice of a public hearing on an ordinance covering the use of the County's wastewater system and duly held said hearing.

In accordance with the foregoing and for the purposes herein stated, NOW THEREFORE, BE IT ORDAINED by the Manatee County Board of County Commissioners, as follows:

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# SEWER USE ORDINANCE 91-39

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ARTICLE I  
STATEMENT OF PURPOSE

The purpose of these regulations is:

- 1.01 To require, wherever service has been provided, mandatory connection to the Manatee County Wastewater System of those residences and facilities generating normal sewage and wastewater.
- 1.02 To prohibit, wherever service has been provided, the use of septic systems and packaged treatment systems.
- 1.03 To prohibit the contribution of wastes of a nature which in any way create poisonous, flammable, hazardous, or noxious conditions for treatment plant personnel or the general public.
- 1.04 To prohibit the contribution of wastes which create operational or maintenance problems in the collection system, in the treatment plant and in effluent disposal facilities.
- 1.05 To prohibit the contribution of wastes which require greater treatment expenditures than are required for equal volumes of normal sewage.
- 1.06 To prohibit discharge of substances which cannot be removed by the normal treatment process and which adversely effect sludge(s), making them unfit for reuse
- 1.07 To require pretreatment of certain wastewaters before discharge to the County's System.
- 1.08 To prohibit unauthorized use of the County System.
- 1.09 To set forth enforcement and penalties for violations.

## ARTICLE II

### DEFINITIONS

Unless the text specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- 2.01 ACT: Means the Federal Water Pollution Control Act, as amended, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
- 2.02 BOD: (denoting biochemical oxygen demand) - Means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade, expressed in milligrams per liter.
- 2.03 BYPASS: The diversion of wastestreams from any portion of an industrial user's treatment facility.
- 2.04 CATEGORICAL STANDARDS: Means the National Categorical Pretreatment Standards.
- 2.05 COOLING WATER: Means the water discharged from any use such as air conditioning, cooling, or refrigeration, or for which heat is the major pollutant.
- 2.06 COUNTY: Means the Board of County Commissioners of Manatee County Florida, and all of the various departments working thereunder.
- 2.07 CUSTOMER: Means any user of the Manatee County Wastewater System.
- 2.08 DIRECT DISCHARGE: Means the discharge of untreated or treated sewage or wastewater directly to the waters of the State of Florida.
- 2.09 DIRECTOR: Means the Director of the Manatee County Public Works Department, or his authorized deputy, agent, or representative.
- 2.10 DISSOLVED SOLIDS OR DISSOLVED MATTERS: Means the solid matter in solution in the wastewater that can be obtained by evaporation of a sample from which all suspended matter has been removed by filtration as determined by the procedures in "Standard Methods."
- 2.11 DOMESTIC SEWAGE: Means the sewage produced from non-commercial or non-industrial activities, and which results from normal human living processes, and which is substantially similar in origin and strength to those typically produced in households, including sewage from sanitary conveniences.

- 2.12 ENVIRONMENTAL PROTECTION AGENCY, EPA, OR USEPA: Means the United States Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.
- 2.13 FDER: Means Florida Department of Environmental Regulation.
- 2.14 GARBAGE: Means solid waste from the domestic and commercial preparation, cooking, and disposing of food, and from the handling, storage, and sale of produce.
- 2.15 HOLDING TANK WASTE: Means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- 2.16 HRS: Means the State Department of Health and Rehabilitative Services and its Pollution Control Division.
- 2.17 INDUSTRIAL PROCESS WASTE: Means waste produced by companies manufacturing a product or providing a service such as: aluminum forming, coil coating, copper forming, electroplating, inorganic chemicals, iron manufacturing, metal finishing, nonferrous metals, organic chemicals and plastics, petroleum refining, film developing, commercial car washes, clothing laundries and dry cleaners, pharmaceuticals, pulp, paper and paperboard, automobile and transmission repair and service, anodizing, chemical etching and milling, printed circuit board, alkaline cleaning, chemical matching, photographic (secondary silver), funeral homes (whole blood from embalming process), and pickling.
- 2.18 INDUSTRIAL USER: Means any person or business who introduces pollutants into the Manatee County Public Works Sanitary Sewer Collection System from a non-domestic source which is regulated by Manatee County's Sewer Use Ordinance.
- 2.19 INTERFERENCE: Means the inhibition or disruption of the treatment processes or operation which contributes to a violation of any requirement of the County's permits. The term includes prevention of sewage sludge use or disposal in accordance with Section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, The Marine Protection, Research, and Sanctuaries Act, the Toxic Substance Control Act, or more stringent State or local criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of the SWDA) applicable to the method of disposal or use employed by the POTW.

- 2.20 MANATEE COUNTY WASTEWATER SYSTEM OR SYSTEM: Means all facilities and interests in the real and personal property owned, operated, managed or controlled by the County now and in the future and used to provide wastewater service to existing and future customers within the service area of Manatee County.
- 2.21 MAXIMUM CONCENTRATION: Means the maximum permissible amount of a specified pollutant in a defined volume of water or wastewater.
- 2.22 MCPWD: Means the Manatee County Public Works Department.
- 2.23 NATIONAL CATEGORICAL PRETREATMENT STANDARDS OR PRETREATMENT STANDARDS: Means any regulation containing pollutant discharge limits promulgated by the USEPA in accordance with Section 307(b) and Section 307(c) of the Act (33 U.S.C. 1317) which applies to a specific category of industrial users.
- 2.24 NATURAL OUTLET: Means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.
- 2.25 NEW SOURCE: Means any building, structure, facility or installation of which the construction commenced after the publication of proposed pretreatment standards under Section 307(c)(33 U.S.C. 1317) which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that (a) the construction is a site at which no other source is located; (b) the process or production equipment that causes the discharge of pollutants at an existing source is totally replaced; or (c) the production or wastewater generating processes are substantially independent of an existing source at the same site.
- 2.26 NORMAL SEWAGE/NORMAL WASTEWATER: Means the combined bath, laundry, garbage disposal, and sink discharges from residential properties.
- 2.27 NPDES: Means a permit issued pursuant to Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342)
- 2.28 PASS-THROUGH: Means a discharge which exits Manatee County treatment plants into waters of the State of Florida in quantities or concentrations which causes a violation of any requirements of Manatee County's NPDES permit.

- 2.29 **PERSON:** Means any individual, partnership, or co-partnership, firm, company, association, society, corporation, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives or agents. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.
- 2.30 **pH:** is a symbol for expressing the degree of acidity or alkalinity, meaning the logarithm (base 10) of the concentration of hydrogen ions in gram equivalents per liter of solution.
- 2.31 **POLLUTANT:** Means solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemicals, biological materials, radioactive materials, rock, sand, dirt, industrial materials and agricultural waste discharged into water or any other material capable of degrading local normal environmental conditions upon introduction to the environment.
- 2.32 **PRETREATMENT:** Means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, in wastewater to a less harmful state prior to discharging or otherwise introducing such pollutants into the system. The reduction or alteration can be obtained by physical, chemical or biological processes or by other means, except as prohibited by 40 CFR 5403.6(d).
- 2.33 **PRIVATE SEWAGE DISPOSAL SYSTEM:** Means a collecting, treating, and disposal facility installed, maintained and owned by persons other than the County and not connected to the public system.
- 2.34 **PROPERLY SHREDDED GARBAGE:** Means the wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- 2.35 **SEPTAGE:** Means all liquid wastes from any domestic, commercial or industrial source that is carried by any permitted waste hauler, and may be introduced into any Manatee County treatment facility.
- 2.36 **SEWAGE OR WASTEWATER:** Means a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments.
- 2.37 **SHALL:** When used means that it is mandatory but the term "may" when used means that it is permissive.

2.38 SIGNIFICANT INDUSTRIAL USER:

- (a) Means all industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N, and any industrial user that discharges an average of 25,000 gallons per day or more of process wastewater, or any industrial user who contributes a process wastewater which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the receiving wastewater treatment plants, or any industrial user who has a reasonable potential, in the opinion of the Industrial Inspection Manager, to adversely affect the County's treatment process (inhibition, pass-through of pollutants, sludge contamination, or endangerment of Manatee County operators.)
- (b) Upon a finding that an industrial user meeting the criteria as set forth above has no reasonable potential for adversely affecting the County's operation or for violating any pretreatment standard or requirement, Manatee County may at any time, on its own initiative, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

2.39 SIGNIFICANT NONCOMPLIANCE:

- (a) Means chronic violations of Manatee County's discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed the discharge limits for the same pollutant parameter.
- (b) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed discharge limits, or the average limit multiplied by the applicable TRC (TRC 1.4 for BOD, Total Suspended Solids, fats, oil and grease and 1.2 for all other pollutants with the exception of pH.)
- (c) Any other violation of a pretreatment effluent limit that Manatee County determines has caused, alone or in combination with other discharges, interference or pass-through (including an endangerment to the health of Manatee County Personnel or the general public.)
- (d) Any discharge of a pollutant that has caused imminent endangerment to human health or welfare



or to the environment or has resulted in Manatee County exercising its emergency authority to halt or prevent such a discharge.

- (e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
- (f) Failure to provide, within 30 days after the due date, required monitoring reports, and reports on compliance with compliance schedules.
- (g) Failure to accurately report noncompliance.

- 2.40 STANDARD METHODS: Means the current edition of "Standard Methods for the Examination of Water and Wastewater" as published or republished from time to time by the American Public Health Association or the current USEPA publication "Methods for Chemical Analysis of Water and Wastes." Standard Method procedures encompass the regulations specified in 40 CFR 136 which must be used for compliance testing by an industrial user.
- 2.41 STATE: Means the State of Florida.
- 2.42 STORM DRAIN/STORM SEWER: Means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- 2.43 STORM WATER: Means any flow occurring during or following any form of natural precipitation and resulting therefrom.
- 2.44 SUSPENDED SOLIDS: Means solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by various filtering and settling techniques.
- 2.45 TOXIC POLLUTANT: Means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the USEPA under the provisions of Section 307(a) of the Act, or other acts.
- 2.46 USER: Means any person or business who introduces pollutants into the Manatee County Public Works Sanitary Sewer Collection System.

2.47 WATERS OF THE STATE: Means any surface or ground-water located within the boundaries of the State of Florida or over which the State of Florida exercises jurisdiction.

**ARTICLE III**  
**USE OF THE PUBLIC WASTEWATER SYSTEM**

- 3.01 NECESSITY FOR CONTROL: From a public health, safety and cost of service standpoint, regulation of the use of the public wastewater system is required.
- 3.02 SEPTIC TANKS, PRIVIES, CESSPOOLS:
- (a) Where County service is available the use of septic tanks, privies, cesspools, and private wastewater systems is prohibited.
  - (b) The conditions under which septic systems can be used are administered by the State Department of Health and Rehabilitative Services and its Pollution Control Division.
- 3.03 PRIVATE WASTEWATER SYSTEMS: Any private system that is to be turned over to the County for operation must meet Manatee County Public Works Department (MCPWD) specifications which include color coding of all pipe. Prior to construction, designs must be approved by MCPWD. During construction, the installation will be subject to MCPWD inspection to insure compliance.
- 3.04 MANDATORY CONNECTION: It is mandatory that all residences and all generators of normal wastewater, including private wastewater systems, connect to the County system when service is available.
- 3.05 UNLAWFUL CONNECTION OR USE: No person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance without first obtaining required approval and paying the appropriate fees and charges.
- 3.06 DISCONTINUED USE OF LATERAL SEWER: Should a structure be destroyed or moved the lateral sewer must be capped by the owner at the owner's expense. Should the owner neglect to do so, capping will be done by the County and costs paid by the owner.
- 3.07 REUSE OF LATERALS: Lateral sewers capped under Section 3.06 above shall not be reused unless they meet current County and MCPWD specifications and reuse is approved by the County.
- 3.08 SEPARATE LATERALS REQUIRED: Except by approval of MCPWD, each building must be served by at least one lateral sewer line.

- 3.09 UNLAWFUL DISPOSAL: No person shall discharge into any natural outlet within the County, into any storm sewer, or anywhere other than an approved facility waste materials of any nature including but not confined to polluted waters, industrial wastes, septic effluent or overflow, sanitary sewage, hazardous materials, toxic materials, inflammable liquids, solid wastes, pesticides and heavy metals.
- 3.10 OSHA STANDARDS: All construction activity by MCPWD or by contractors responsible to MCPWD shall be conducted in accordance with safety standards established by the Federal Occupational Safety and Health Agency.
- 3.11 DIRECTOR RESPONSIBLE: Except as otherwise provided herein, the Director of MCPWD shall administer, implement, and enforce the provisions of this Ordinance.
- 3.12 RIGHT TO ENTER: Authorized personnel from MCPWD shall have the right to enter the premises of any individual or business that is discharging into the sanitary sewer system for the purpose of sampling and inspection and examining and copying records. Representatives of the State of Florida and EPA shall also have the right to enter the premises of any user who is subject to the requirements of this Ordinance.

ARTICLE IV  
PROHIBITIONS AND LIMITATIONS ON  
USE OF THE COUNTY SYSTEM

- 4.01 APPLICABILITY: The prohibitions and limitations of this Article apply to all users of the County system, whether or not the user is subject to the national Categorical Pretreatment Standards or any other national, state or local ordinances or requirements.
- 4.02 WATERS: No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, sub-surface drainage, uncontaminated cooling water, swimming pool drainage, or unpolluted industrial process waters to any portion of the system.
- 4.03 SUBSTANCES INTERFERING WITH OPERATIONS: No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or sewage which will interfere with the operation or performance of the Manatee County Wastewater System or any of its treatment plants. A user shall not contribute the following substances to any public sewer:
- (a) Flammable and explosive materials, including any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any way to the County Wastewater System or to the operation of said system. At no time shall two successive readings on an explosion hazard meter at the point of discharge into said system (or at any point in the system) be more than five percent (5%), nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, fuel oil, naphtha, benzene, toluene, xylene, ethers, alcohols, solvents, ketones, aldehydes and sulfides, and any other substances which the County, the FDER, the USEPA, or any other local, regional, state, or federal agency having jurisdiction has notified the user is a fire hazard or a hazard to the system. At no time shall an industrial user discharge a wastestream with a closed cup flash point of less than 140°F.

- (b) Any solid, semisolid, or viscous substances which may cause interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch, manure, bones, hair, hides, or flesh, entrails, whole blood, feathers, ashes, cinders, sand, lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, ground paper products, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grindings or polishing wastes. Specifically prohibited is the heating of the contents of grease traps and discharge to the County system.
- (c) Any sewage or industrial process waste having a pH lower than five (5.0) or higher than ten (10.0), or any substance having any other corrosive or scaling properties capable of causing damage or a hazard to structures, equipment, lifelines, and/or personnel of the Manatee County Wastewater System.
- (d) Toxic pollutants or any sewage or wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of any County Treatment Plant or to exceed the limitations set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Federal Water Pollution Control Act as amended and also known as the Clean Water Act, 33 U.S.C. 1251, et seq. The most stringent of national, state, and local toxic discharge limits shall be enforced.
- (e) Noxious and malodorous materials, including any noxious or malodorous liquids, gases, or solids, other than normal sewage, which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard.
- (f) Materials affecting effluent and sludge disposal including any substances which may cause any

effluent or any other sediment product, such as residues, sludges, or scums to be unsuitable for reclamation process. In no case shall a substance discharged cause the County to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

- (g) Any substance which will cause any County treatment facility to violate its NPDES and/or FDER permit or the receiving water quality standards.
- (h) Any sewage or wastewater with objectionable color, not removed in the treatment process, such as but not limited to, dye wastes and vegetable tanning solutions.
- (i) Any waters or wastes containing substances, including nonbiodegradable detergents, which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to the degree that the sewage treatment plant effluent cannot meet the requirement of other agencies having jurisdiction over discharge, or which violates any contract, ordinance, law, rule, regulation, permit, or approval applicable to the industrial, commercial, or agricultural reuse of reclaimed water.
- (j) Any concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries, and lime residues) or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate

4.04 SUBSTANCES INCREASING COST OF OPERATION: No persons shall discharge or cause to be discharged substances, materials, waters or wastes if it appears likely, in the sole opinion of the Director, that such wastes can harm either the sewers, wastewater treatment process or equipment, have an adverse effect on effluent disposal facilities or systems, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Director will

give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (a) High temperature wastewater, including any sewage or wastewater having a temperature in excess of 100 degrees Fahrenheit, which will inhibit biological activity in any treatment plant.
- (b) Unshredded garbage including any garbage that has not been properly shredded to the extent that particles are 1/2" and less in size.
- (c) Substances producing unacceptable odors, including any water or wastes containing phenols or other wastes in such concentrations that, after treatment, will exceed limits which may be established as necessary for reuse of effluent or sludge.
- (d) Any radioactive wastes or isotopes of any description.
- (e) Unacceptable flow rates - slugs including any organic pollutants, heavy metals, or oxygen demand pollutants released at a flow rate and/or pollutant concentrations which a user knows or has reasons to know will cause damage to Manatee County's Sanitary Sewer Collection System or the receiving wastewater treatment plants. In no case shall an intentional slug load be discharged into the County's sewer system. (For purposes of this Section, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.) In cases of accidental slug releases, notification must be given to MCPWD within 24 hours, and must be followed up with a written report within 5 days of the slug release. This report must explain why the slug release happened and what measures will be taken to prevent such a spill in the future. The notification shall include:
  - (1) The date, time, location and duration of discharge.
  - (2) The type of waste including concentration and volume.
  - (3) Any corrective action taken by the user.



Such notification shall not relieve the user of any expense, loss, damage, or other liability resulting from the discharge, nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed under this Ordinance or other applicable State or Federal laws.

- (f) Fats, waxes, greases and oils, including any water containing fats, wax, grease, or oils, whether emulsified or not, in excess of 140 milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred degrees Fahrenheit, which could cause pass-through or interference.

- 4.05 NOTIFICATION OF CHANGED DISCHARGE: All industrial users shall promptly notify Manatee County in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p).
- 4.06 NOTIFICATION OF DANGEROUS DISCHARGE: All industrial users shall permanently post a notice in a prominent place advising all employees to call 792-8788, Manatee County Public Works, in the event of a dangerous discharge.
- 4.07 CARCINOGENS: No person or commercial operation shall discharge or cause to be discharged any known carcinogen in an amount specified hazardous to the operation of the treatment facility, its personnel, the collection system, its personnel, or the receiving waters or the discharge waters of the treatment facilities.

#### 4.08 MANATEE COUNTY INDUSTRIAL DISCHARGE LIMITS

<u>Parameter</u>	<u>Limit mg/l</u>	<u>Collection Method</u>
Arsenic - Total	1.65	Composite
Beryllium - Total	0.35	Composite
Cadmium - Total	0.11	Composite
Chromium - Total	2.77	Composite
Copper - Total	3.38	Composite
Cyanide - Total	1.20	Grab
Lead - Total	0.69	Composite
Mercury - Total	0.11	Composite
Nickel - Total	3.98	Composite
Selenium - Total	1.65	Composite
Silver - Total	0.43	Composite
Zinc - Total	2.61	Composite
Total of 12 Metals	9.40	Composite
pH	5.0 - 10.0	Grab
Chloride - Total	350	Composite
Biochemical Oxygen Demand	1200	Composite
Suspended Solids - Total	1200	Composite
Oil and Grease - Total	140	Grab
Toxic Organic - Total	2.13	Grab

4.09 **ADMINISTRATIVE SURCHARGES:** Notwithstanding any other section of this Ordinance, any industrial user who is found to have exceeded the above discharge limits or limits set forth in permits or orders issued hereunder, shall pay a surcharge in an amount not to exceed one thousand dollars (\$1000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such surcharges shall be added to the user's next scheduled sewer service charge.

4.10 **FALSIFICATION OF DATA:** Any company, business, or person that knowingly falsifies data, shall be subject to a surcharge of up to one thousand dollars (\$1000.00) and/or termination of service.

4.11 **DILUTION PROHIBITED:** No industrial user shall increase the use of process water or dilute a discharge as a substitute for adequate treatment to achieve compliance with any Federal or State requirement, or to achieve compliance with this Ordinance.

## ARTICLE V

### PROHIBITIONS AND REQUIREMENTS FOR INDUSTRIAL, COMMERCIAL AND OTHER THAN RESIDENTIAL USERS

- 5.01 FEDERAL AND STATE PRETREATMENT STANDARDS: Certain industrial users have or will have to comply with Federal and State pretreatment standards, specified quantities, concentrations of pollutants or other conditions of pollutants. All such industrial users shall comply with such National and State standards and shall also comply with the additional or more stringent standards contained in this Ordinance.
- 5.02 CONFIDENTIAL INFORMATION:
- (a) Information and data (other than effluent data) about a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public unless the user specifically requests and is able to demonstrate to the satisfaction of Manatee County that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data. When such a confidentiality claim is asserted, the information shall be treated as such unless and until a determination is made by Manatee County that such information is not entitled to confidentiality. Effluent data shall be available to the public without restriction.
  - (b) When the person furnishing a report satisfies Manatee County that such person has made the demonstration required by the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection except by the State or EPA for uses related to this Ordinance, the NPDES permit or the pretreatment program. Confidential portions of a report shall be available for use by the State of EPA in judicial review or enforcement proceedings involving the person furnishing the report. Effluent data will not be recognized as confidential information.
  - (c) Notwithstanding the provisions of Section 5.02(a) and (b) above, the provisions of Chapter 119, Florida Statutes, may prohibit the County from protecting such information and data.

- 5.03 **COUNTY STANDARDS:** Maximum allowable concentrations of certain materials and elements are listed in the tables in Article IV. Dilution of discharge to meet concentration standards is not an acceptable method of meeting standards. Toxic parameters are not allowed in excess of the stated parameters. Article IV also specifies discharges to the County's system which are prohibited. Industrial and other users whose wastewater does not meet County standards must establish pretreatment facilities providing discharges meeting County standards.
- 5.04 **PRETREATMENT CANDIDATES:** The following are industries whose wastes shall require pretreatment and/or approval before discharge into public sewers: bleaching and dyeing bottling, brewing, cotton textile manufacture, processing dairies, dairy products, distilling, fat rendering, film processing, galvanizing, glue manufacturing, laundromats, lens grinding operations, manufacturing of syrups, jams or jellies, plating facilities, meat packing, metal pickling or plating, munition manufacturing, oil refining, optical goods manufacturing, photographic processing, public laundering, pulp and papermaking, rubber production salt works slaughterhouses, soap making, sugar refining, tanning, wood scouring or washing, or any person or industry producing industrial process waste, as defined, or any person producing wastes with strong acid or alkaline reactions which will form deposits in, or cause damage to, the sewers or to appurtenances of sewage treatment works. The Director of MCPWD may place additional industries on this list as needed.
- 5.05 **PRETREATMENT FACILITIES:** Users that must provide pretreatment facilities must design, construct, maintain, and monitor them at their own expense. Such facilities must provide protection against accidental discharge and such protection must be approved by the County prior to connection to the County system. Included must be an effluent sampling manhole (control manholes) which must be available to the County at all reasonable times for sampling. User monitoring schedule must be approved by the County and monitoring results made available for review by the County.
- 5.06 **ACCIDENTAL DISCHARGES:** Accidental discharges of prohibited materials or substances regulated by this Ordinance require, within 24 hours, telephone notification to the Director of MCPWD or his representative, MCPWD, or the representative in charge. Such notification does not relieve the discharger of any liability. Within 5 days following the occurrence the user shall provide the Director of MCPWD with a written report describing the cause of the discharge and measures taken to prevent future occurrences.

5.07 BYPASS:

- (a) Bypass not violating Federal or State pretreatment standards or Sewer Use Ordinance 91-39. An industrial user may allow any bypass to occur which does not violate pretreatment standards, but only if it is for essential maintenance to assure efficient operation. These bypasses are subject to:
- (1) Notification of bypass 5 days in advance to the Director of MCPWD.
  - (2) Reason for bypass and duration.
  - (3) Total flow discharged during bypass.
  - (4) Sampling events prior to bypass to ensure compliance during bypass.
- (b) Bypass violating Federal or State pretreatment standards or Sewer Use Ordinance 91-39. An industrial user shall orally notify MCPWD of an unanticipated bypass that exceeds applicable pretreatment standards or requirements within 24 hours of becoming aware of the bypass. A written submission shall also be provided within five days of becoming aware of a bypass. The written submission shall contain:
- (1) A description of the bypass and its cause.
  - (2) The duration of the bypass, including times and dates.
  - (3) Notification if the bypass has not been corrected.
  - (4) Steps taken to prevent a recurrence of a bypass.
- (c) Bypass is prohibited and MCPWD may take enforcement action against an individual user for a bypass, unless:
- (1) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage.
  - (2) There was not feasible alternative to bypass, such as use of auxiliary treatment facilities or retention of waste.
  - (3) Maintenance during normal periods of equipment downtime (this condition is not satisfied if adequate back-up equipment should have been installed to prevent bypass which occurred during normal periods of equipment downtime or preventative maintenance.)

5.08 SPILL PREVENTION PLANS:

- (a) Industrial users shall provide protection from accidental discharge of materials which may interfere with Manatee County's collection system or the receiving wastewater treatment plants by developing a spill prevention plan. Spill prevention plans shall be approved by MCPWD prior to construction of the facility. Approval of such plans shall not relieve the industrial user from complying with all other laws and regulations governing the use, storage, and transportation of hazardous substances.
- (b) Industrial users that store hazardous substances shall not contribute to Manatee County's Sanitary Sewer Collection System after the effective date of this Ordinance unless a spill prevention plan has been approved by Manatee County.
- (c) MCPWD shall evaluate each significant industrial user at least once every two years, and other industrial users as necessary. If the County decides that a slug control plan is needed, the plan shall contain the following elements:
  - (1) Description of discharge practices, including non-routine batch discharges.
  - (2) Description of stored chemicals and quantities.
  - (3) Procedures for immediately notifying Manatee County of a slug load discharge, including any discharge that would violate a prohibition, with procedures for follow-up written notification within five days.
  - (4) If necessary, procedures to prevent adverse impact from accidental spills, maintenance of materials, control of plant site runoff, worker training, building of containment structures, and/or measures and equipment for emergency response.

5.09 UPSET PROVISIONS:

- (a) Definition. For the purposes of this Section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (b) Effect of an upset. An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the following requirements are met:
  - (1) An upset occurred and the industrial user can identify the causes.
  - (2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.
  - (3) The industrial user has submitted the following information to MCPWD within 24 hours of becoming aware of the upset:
    - (i) A description of the discharge and cause of noncompliance.
    - (ii) The period of noncompliance, including exact dates, and times or, if not corrected, the anticipated time the noncompliance is expected to continue.
    - (iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (c) Burden of proof. In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
- (d) User responsibility in case of upset. The industrial user shall control production of all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This

requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

5.10 MEASUREMENTS, TESTS, ANALYSES: All sampling measurements, tests and analyses of the characteristics and composition of waters and wastes to which reference is made in this Ordinance shall be done in accordance with regulations specified in 40 CFR 136 which must be used for compliance testing by all industrial users, Methods for Chemical Analysis of Water and Wastes, and any applicable regulations as published by the USEPA for sampling which shall be at the control manhole, or sampling site as designated by MCPWD. If such a site is not available it is incumbent upon the user to place in line, a suitable sampling port, which must be approved by MCPWD.

5.11 BASELINE REPORT (for categorical dischargers only)

- (a) Industrial users subject to National Categorical Pretreatment Standards shall submit Baseline Reports to MCPWD in a form prescribed and furnished by MCPWD.
- (b) Within 180 days after the effective date of a National Categorical Pretreatment Standard, or 180 days after a final administrative decision within has been made upon a categorical determination submission in accordance with 40 CFR 403.6(a)(4), whichever is later, industrial users which are existing sources subject to such National Categorical Pretreatment Standards and currently discharging into the Manatee County Wastewater System, shall submit a properly completed Baseline Report.
- (c) New sources, when subject to a National Categorical Pretreatment Standard, shall submit a Baseline Report at least 90 days prior to commencement of discharge, to MCPWD.
- (d) In support of the Baseline Report, the industrial user shall submit in units and terms specified in the application, the following information:
  - (1) Name and address of the facility, including the name of the operator and owners.
  - (2) List of any environmental control permits held by or for the facility.



- (3) Brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such user. This description shall include a schematic process diagram indicating points of discharge to the County's Collection System from the regulated processes.
- (4) Information showing the measured average daily and maximum daily flow in gallons per day, to the County's Collection System from each of the following:
  - (i) Regulated process streams, and
  - (ii) Other streams as necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e).
- (5) The industrial user shall identify the National Categorical Pretreatment Standards applicable to each regulated process, and shall:
  - (i) Submit the results of sampling and analysis, identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentrations shall be reported. The sample shall be representative of daily operations.
  - (ii) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. Manatee County may waive flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.
  - (iii) The user shall take a minimum of one representative sample to compile the

data necessary to comply with the requirements of this paragraph.

- (6) A statement, reviewed by an authorized representative of the industrial user and certified by a qualified professional, indicating whether National Categorical Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance measures (O&M) or additional pretreatment is required for the industrial user to meet the National Categorical Pretreatment Standards.
- (7) If additional pretreatment of O&M will be required to meet the National Categorical Pretreatment Standards, the industrial user will provide the shortest schedule which will provide additional pretreatment or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable National Categorical Pretreatment Standard.
  - (i) Where the industrial user's National Categorical Pretreatment Standard has been modified by a removal allowance (40 CFR 403.7) or the combined waste stream formula (40 CFR 403.6(e)), or net/gross calculations (40 CFR 403.15) at the time the industrial user submit a Baseline Report, the information required in Section 4.1(d)(6) and (7) shall pertain to the modified limits.
  - (ii) If the National Categorical Pretreatment Standard for the industrial user is modified after the Baseline Report is submitted, the industrial user shall make any necessary amendments to information provide as a response to Section (d)(6) and (7) and submit them to MCPWD within 60 days after the modified limit is approved.

(8) The following conditions shall apply to any schedule submitted in response to Section 5.11(d)(7):

- (i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable National Categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction.)
- (ii) No increment referred to in Section 5.11(8)(i) shall exceed nine months.
- (iii) Not later than 14 days following each date in the schedule and final date for compliance, the user shall submit a progress report to MCPWD including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to MCPWD.

(9) Such other information as may be reasonably requested by MCPWD.

5.12 COMPLIANCE DATE REPORT: Within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater into Manatee County's Collection System, any user subject to Categorical Pretreatment Standards shall submit to MCPWD a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by such Standard and the average and maximum daily flow for these process units in the user facility which are limited by such Pretreatment Standards or Requirements. Where equivalent mass or concentration limits are established by Manatee County

for a user, this report shall contain a reasonable measure of the user's long-term production rate. Where a user is subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production, the report shall include the user's actual production during the appropriate sampling period. - The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable Pretreatment Standards. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

5.13 PERIODIC COMPLIANCE REPORTS:

- (a) Any user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into Manatee County's Collection System, shall submit to MCPWD during the months of June and December, unless required more frequently in the pretreatment standard or by the Industrial Inspection Manager, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Section 5.11(d)(4). At the discretion of the Director of MCPWD and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director of MCPWD may alter the months during which the above reports are to be submitted.
- (b) Significant noncategorical industrial users shall submit to the MCPWD at least once every six months (on dates specified by the Director of MCPWD) a description of the nature, concentration, and flow of the pollutants required to be reported by MCPWD.

5.14 SIGNIFICANT INDUSTRIAL USERS:

- (a) Categorical Significant Industrial User Monitoring Requirements: Categorical significant industrial users, as identified by MCPWD, must supply every six months, analytical laboratory reports which reflect the effectiveness of their pretreatment systems. Extra sampling data performed by a categorical significant industrial user, if any, shall also be reported to MCPWD. Categorical significant industrial users shall also report all violations of this Ordinance or their industrial discharge permit within twenty-four hours of such violation -- all parameters reported to be in violation shall be resampled within thirty days of the initial date of violation. All laboratory data reported by a categorical significant industrial user must include quality control and quality assurance information such as relative standard deviations, percent spike recoveries, and duplicate statistics.
- (b) Categorical Significant Industrial User Sampling Procedures: All samples collected by a categorical significant industrial user shall be by composite. In cases when a composite is not possible, four grabs taken at peak flow thirty minutes apart may be substituted. All samples collected shall be at "end of process" and/or prior to combination with another wastewater. Sampling for the pollutant cyanide shall be collected after cyanide treatment and before dilution with other wastestreams.
- (c) Categorical Significant Industrial User Baseline Monitoring Requirements: Baseline monitoring reports, periodic reports, and compliance dates shall be based on sampling and analysis performed in the time period covered by the report, and performed in accordance with the techniques described in 40 CFR 136 and amendments thereto. Sampling and analysis may be performed by Manatee County Public Works in lieu of an industrial user. When Manatee County Public Works collects all the information required for the report, the significant industrial user will not be required to submit the report.

- (d) Signatory Requirements for Baseline Monitoring Reports, Compliance Data Reports, and Periodic Compliance Reports: The reports required by this section must be signed by an authorized representative of the industrial user. An authorized representative may be:

- (1) A principal executive of at least the level of vice president, if the industrial user submitting the reports is a corporation.
- (2) A general partner or proprietor if the industrial user submitting the reports is a partnership or sole proprietorship respectively.
- (3) A duly authorized representative of the industrial user if such representative is responsible for the overall operation of the facility from which an industrial discharge originates.

All reports signed by the above named authorized representative of industrial users shall contain the following statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations

- (e) Significant Noncategorical Industrial User Monitoring Requirements: Significant non-categorical industrial users shall submit to MCPWD at least every six months, a description of the nature, concentration, and flow of the pollutants required to be reported.

These reports shall be based on sampling and analysis performed in the period covered by the report. This sampling analysis may be performed by MCPWD in lieu of a noncategorical industrial user. When MCPWD collects all required information, a noncategorical user will not be required to submit a report.

- (f) Inspection and Sampling of Significant Industrial Users, Significant Noncategorical Users, and Nonsignificant Industrial Users: All of the above named industrial users shall be inspected and sampled twice per year by MCPWD. Pursuant to 40 CFR all samples collected shall be by 24-hour composite where feasible. A minimum of four grab samples shall be used for pH, cyanide, oil and grease, and toxic organics. MCPWD may collect four grab samples in certain situations to better document a representative sample of the effluent being discharged.

5.15 PUBLIC NOTIFICATION OF SIGNIFICANT NONCOMPLIANCE: Manatee County shall annually publish, in the largest local daily newspaper, a list of the significant industrial users identified as being in significant noncompliance with applicable pretreatment requirements or standards at least once during the previous calendar year. The notification shall also summarize any enforcement action taken against the significant industrial user during the same twelve months.

5.16 INDUSTRIAL USER RECORD KEEPING:

- (a) All industrial users shall retain and make available upon request of authorized representatives of MCPWD, the State of Florida, or the EPA all records required to be collected by an industrial user pursuant to this Ordinance.
- (b) All records shall remain available for a period of at least three (3) years after creation of said records.
- (c) This period shall be extended during any litigation concerning compliance with this Ordinance or with permit conditions.

ARTICLE VI  
PERMITS REQUIRED

- 6.01 PERMIT ESTABLISHED: The County hereby establishes an industrial wastewater discharge permit. The Director may include reasonable and necessary terms, and conditions in the permit. A permit will not be issued until all applicable fees and charges are paid and the provisions of this Ordinance are otherwise met.
- 6.02 LATERAL SEWER PERMITS: Lateral sewer lines from the sewer main to the property line are installed by and shall be the responsibility of MCPWD. The portion of the lateral from the property line to the structure is under the jurisdiction of the Manatee County Planning and Development Department. Specifications for on site laterals are set forth in the Manatee County Plumbing Code. Off site specifications are set forth in Manatee County Public Works uniform sewer specifications.
- 6.03 WHERE REQUIRED: All industrial users who discharge in the Manatee County wastewater system must first obtain a permit. Industrial dischargers connected to the system prior to the effective date of this Ordinance have six (6) months to apply for a permit, but such discharger is subject to all other provisions of this Ordinance.
- 6.04 PERMIT APPLICATION: An application form prescribed by the County must be completed and filed with MCPWD. Where appropriate, the applicant shall submit:
- (a) Name, address, telephone number of applicant, location of the industrial facility, and name and address of the owner of the premises from which wastewater is to be discharged.
  - (b) A description of the operations and processes utilized by the operations, type and amount of raw materials processed and type of products—produced.
  - (c) Average daily and peak hourly wastewater flow rates, include daily, monthly and seasonal variations, if any, and estimated time and duration of daily and peak flows.



- (d) An analysis of the wastewater as determined by a qualified laboratory acceptable to MCPWD and in accordance with regulations specified in 40 CFR 136, which must be used for compliance testing by all industrial users.
- (e) Site plans, floor plans, mechanical and plumbing plans with details showing drains, sewers, sewer connections and appurtenances by size, location and elevation.
- (f) Number and type of employees and hours of operation of the plant.
- (g) A baseline monitoring of the discharge to the MCPWD collection system.
- (h) Any other information deemed necessary by the Director to evaluate the application.

If an industry changes its operations to the extent that the quantity or quality of its discharge into the County system is modified, a new permit is required prior to the change.

6.05 PERMIT CONTENTS - ALL PERMITS SHALL CONTAIN PROVISIONS ADDRESSING:

- (a) Effluent limitations based on the more stringent of categorical pretreatment standards, local limits as established by this Ordinance, or limits as established by the State of Florida.
- (b) Requirements to pay fees for the industrial process waste to be discharged into Manatee County's Sanitary Sewer Collection System.
- (c) Limitations on the average and maximum rate and time of discharge or requirements for flow regulation and equalization.
- (d) Requirements for installation and maintenance of inspection and sampling facilities.
- (e) Requirements and specifications for monitoring programs, including sampling location, frequency of sampling, number, types and standards for tests and reporting schedules.
- (f) Compliance schedules.
- (g) Requirements for submission of technical reports, discharge reports and certification statements.

- (h) Requirements for collecting and retaining plant records relating to an industrial user discharge
  - (i) Requirements for notification of any new introduction of wastewater constituents or any substantial change in the volume or character of the pretreatment system.
  - (j) Requirements for notification of spills, release of slug loads, and upsets or violations.
  - (k) Requirements for installation, operation and maintenance of pollution control equipment.
  - (l) Requirements to implement spill and slug control plans.
  - (m) Statement of civil and criminal penalties for violation of Federal laws and this Ordinance.
- The above list of permit contents is not to be considered all-inclusive.

6.06 ISSUANCE OF PERMITS: The permit should be issued or denied within 60 calendar days after all required data has been submitted. A permit may contain appropriate restrictions or requirements. Upon denial, an applicant has 30 calendar days in which to modify his application or make whatever processing or other changes necessary. Issuance of a permit does not relieve the discharger from complying with all applicable laws, regulations, and ordinances of local authorities. If pretreatment of a discharge is required to achieve compliance with the limitations in wastewater strength or composition, pretreatment facilities must be in place and approved by the County prior to issuance of a permit.

6.07 DURATION OF PERMITS: Permits shall be issued for a period of three (3) years.

6.08 MODIFICATION OF PERMITS:

- (a) The terms and conditions of any permit may be changed by the County during the life of the permit to accommodate changes in local, state, or federal regulations or in the event that data upon which the permit was issued has changed, permit holders shall be notified of a change sixty (60) days prior to the effective date of the change.
- (b) Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Industrial Discharge Permit of users subject to such standards shall be revised to require

compliance with such standard within the time frame prescribed by such standards.

6.09 PERMITS NOT TRANSFERABLE: Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater permit shall not be transferred to a new owner, new user, or different premises unless approved by the Director.

6.10 TYPES OF INDUSTRIAL USERS:

- (a) Type I industrial user is a significant industrial user who uses numerous toxic chemicals in their product production.
- (b) Type II industrial user is an industry that is not a significant user but has a high process flow and has the possibility to discharge pollutants which cause harm to the receiving sanitary collection system.
- (c) Type III industrial user is an industrial user with a very low process flow and who utilizes very few toxic chemicals in their product production.

ARTICLE VII  
FEES AND CHARGES

Treatment rates, fees, and other charges related to usage of the County's wastewater system are established under a Rate Resolution adopted by the Board of County Commissioners. The user charge system shall:

- (a) Provide sufficient revenue to fund all operation, maintenance, replacement, and debt service cost of the system;
- (b) Be based on actual quantities and quantities discharged to the system by user;
- (c) Be based on equitable distribution of operation and maintenance costs to each class of customer or user;
- (d) Be based on experience and itemized budgeted costs approved by the Board of County Commissioners;
- (e) Allow for annual or biennial review; and
- (f) Provide for notification of proposal rate changes pursuant to law.

ARTICLE VIII  
ENFORCEMENT AND PENALTIES

- 8.01 RIGHT TO ENTER: Duly authorized employees of the County shall be permitted to enter all properties without prior notice for the purposes of inspection, observation, copying of records, measurement, sampling, and testing. This requirement is hereby made a condition to the issuance of all industrial wastewater discharge permits.
- 8.02 REJECTION OF CERTAIN WASTES: If any sewage, waters or wastes are discharged to the County's system or are proposed to be discharged, which water in the judgment of the Director may have a deleterious effect upon the system, create a hazard to life, constitute a public nuisance, or adversely affect reuse of effluent and sludge the Director may:
- (a) Reject the wastes.
  - (b) Require pretreatment to an acceptable condition for discharge.
  - (c) Require control over quantities and rates of discharges.
  - (d) Assess a surcharge to cover added handling, treatment, and disposal costs.
- 8.03 SUSPENSION OF SERVICE: The Director may suspend water and/or wastewater service and/or a permit in order to stop an actual or threatened discharge which represents an imminent or substantial endangerment to the health and welfare of persons, to the environment or the MCPWD wastewater system and which could cause a treatment facility to be in non-compliance with Federal, State, or local regulations. Any person notified of a suspension of the wastewater service and/or the permit shall immediately stop or eliminate the condition. In the event of a failure of a person to comply voluntarily with the suspension order, the County shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage and/or endangerment to any individuals or treatment plant operation. The County shall reinstate the permit and/or the wastewater service

upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the County within 5 calendar days of the date of occurrence. In addition to any other penalties, the violator will pay all tapping and reconnection costs if such apply.

8.04 REVOCATION OF PERMIT: In addition to the revocation condition of 8.03, any user who violates any of the following conditions or applicable Federal and State regulations is subject to having his permit revoked for:

- (a) Failure to factually report the wastewater discharge constituents and characteristics.
- (b) Failure to report significant changes in wastewater constituents and characteristics.
- (c) Refusal of reasonable access to the user's premises.
- (d) Obtaining a permit by misrepresentation or failure to fully disclose.
- (e) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
- (f) Violation of any of the conditions of the permit.

8.05 DISCHARGING WITHOUT PERMITS: Any industry discharging to the County's system without a permit, in addition to all other penalties, will be charged twice the normal permit fee. Normal permit fees are as provided in this Ordinance.

8.06 DISCHARGING TOXIC SUBSTANCES: In addition to any other penalties, the full costs to the County of disposal, treatment and all other related costs related to toxic substances in the wastewater will be charged to the discharger.

8.07 DISCHARGES RESULTING IN CORRECTIVE MAINTENANCE, REPAIR OR REPLACEMENT: In addition to any other penalties, discharges that result in damage to any component of the system, or the clogging of lines, will result in all repair, maintenance, and replacement costs being charged to the offender.

8.08 UNLAWFUL CONNECTION TO OR USE OF THE COUNTY SYSTEM:

Any person discharging into manholes, or any points of entry to the system, or connecting to the system without approval of MCPWD shall in addition to any other penalties provided by law, be subject to a surcharge of \$500.00 for each instance, and shall pay all additional costs resulting from this action, and twice the estimated quantity charge.

8.09 PENALTIES PROVIDED BY STATE STATUTE: Trespass and larceny with relation to the Manatee County Wastewater System is punishable as a first degree misdemeanor, pursuant to Section 812.14, Florida Statutes.

ARTICLE IX  
WASTE HAULERS AND SEPTAGE

- 9.01 WASTE HAULER: Waste Hauler is defined as any person, commercial or industrial enterprise, permitted, licensed, or otherwise allowed to carry or carrying solid waste, sewage, sewage sludge, chemical wastes or biological materials, which may otherwise be defined as "septage." The waste hauler is subject to all parts of this Ordinance and to any and all parts of 40 CFR 403.
- 9.02 WASTE HAULER PERMIT: A waste hauler must, in addition to any other permit, have a valid, current permit to discharge septage at any treatment facility operated by Manatee County. This permit to discharge septage, shall be issued by the Industrial Compliance Office of MCPWD. Permits may be obtained from the Industrial Compliance Office by completing the necessary application form.
- 9.03 WASTE HAULER MANIFEST: Any waste hauler discharging into any Manatee County treatment facility shall have a manifest before any discharge will be allowed. This manifest shall include the origin of all septage to be discharged. This means:
- (a) The name and address of the facility from which the waste hauler picked up the septage.
  - (b) A description of the septage as to being:
    - (1) Residential
    - (2) Commercial
    - (3) Industrial
    - (4) Otherwise
  - (c) Detailed description.
  - (d) The date of the pick up.
  - (e) The time of the pick up.
  - (f) Person(s) responsible from which the septage was taken.
- 9.04 MANIFEST FORMS: The manifest forms must conform to the example as shown on figure 9.04(A).



F I G U R E    9 . 0 4 ( A )

WASTE HAULER MANIFEST FORM

WASTE HAULING COMPANY NAME \_\_\_\_\_ WASTE HAULER PERMIT No. \_\_\_\_\_

NO.	DATE	NAME OF CUSTOMER	CUSTOMER ADDRESS	TYPE OF WASTE	ESTIMATED GAL. OF WASTE
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					

I certify that the information listed here is true, accurate and complete. I am aware of the conditions and requirements of the Waste Hauler Permit. I understand that failure to comply with the Permit may result in immediate suspension of the Permit and/or possible penalties as may be allowed by law.

Driver/Operator Signature: \_\_\_\_\_

TO BE COMPLETED BY TREATMENT FACILITY REPRESENTATIVE AT THE TIME OF DISCHARGE TO THE TREATMENT FACILITY.

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Vehicle Discharge Class: \_\_\_\_\_

Sample ID # (if collected): \_\_\_\_\_

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

- 9.05 SEPTAGE UNLOADING FEE: A septage unloading fee shall be based upon a rate of twenty-eight dollars(\$28.00) per thousand(1000) gallons. The minimum fee shall be twenty-eight dollars(\$28.00).
- 9.06 CONTAMINATED SEPTAGE: Any Waste Hauler and the person(s) who generated the septage being hauled shall be responsible for any introduction of materials that are over burdened with conventional or toxic parameters as described in Article IV of this Ordinance, or that are otherwise harmful to the treatment facility as described in this Ordinance. This means that the Waste Hauler and the person(s) who generated the septage will be subject to all fines and any other charges as stated within this Ordinance.
- 9.07 NUMBER OF SEPTAGE LOADS: If the number of Waste Haulers and the amount of septage poses a hydraulic or other threat to the treatment facility, in the opinion of the treatment facility superintendent, all such loads may be rejected and rescheduled for a different time or a different treatment facility.
- 9.08 SEPTAGE DISCHARGE: Septage may be discharged during normal working hours as designated by the treatment facility superintendent. The superintendent shall reserve the right to deny any and/or all septage discharges for any reason. All trucked and hauled septage waste shall be discharged into Manatee County's Septage Receiving Station located directly west of the Southwest Regional Wastewater Treatment Plant.
- 9.09 SEPTAGE SAMPLING: Septage may be sampled by the treatment facility personnel prior to, during, or after discharge, to insure compliance with this Ordinance. If there is any reason to suspect the septage as being potentially harmful, the septage will be sampled and analyzed prior to discharge, if possible.
- 9.10 MODIFICATION, TRANSFERABILITY, REVOCATION. FINES. AND PENALTIES: The Director of MCPWD reserves the right to modify the Waste Hauler's Permit at any time. The modification of said permit will come from the Director, in writing, with at least five (5) days advance notice. At no time is the transferring of a permit to another vehicle, company, person, industry, or enterprise allowed. Any person, company, industry or enterprise found doing so will be subject to fines and/or revocations of the permit as defined in this Ordinance.

- 9.11 COSTS OF ANALYSES: If upon laboratory analysis of the septage from a waste hauler, it is determined that the waste hauler's septage exceeds the limits or considerations of this Ordinance, the waste hauler and/or source will be liable for all costs incurred by the treatment facility and the analytical cost of the septage, and all other charges as stated within this Ordinance.
- 9.12 WASTE HAULER TRUCK PERMIT FEE: Each vehicle engaged in the hauling of wastes to any treatment facility shall be required to bear an identifying permit decal, which shall be issued each year. The cost of this decal per vehicle shall be two hundred dollars (\$200.00). The decals are non-transferable and are valid for one (1) year only. The Industrial Compliance Office shall issue the decals.
- 9.13 VIOLATION OF WASTE HAULER DECAL: Any person, industry, or commercial operation with an expired decal shall be subject to a surcharge of fifty dollars (\$50.00). Repeat violations will be subject to loss of permits for a period of up to one (1) year, in the discretion of the Director.

ARTICLE X  
PERMIT FEES AND OTHER CHARGES

10.01 INSPECTION FEES:

- (a) Inspection fees are to be charged at the rate of twenty-five dollars (\$25.00) per hour with the fee not to exceed one hundred fifty dollars (\$150.00) for the inspection phase of the permitting process.
- (b) Violation inspection or if an industry or commercial operation is found to be out of compliance, the industry or commercial operation will be charged at the rate of thirty-five dollars (\$35.00) per hour per person per visit until said industry or commercial operation comes into compliance.
- (c) Analytical costs or the costs of performing analyses on a non-compliance operation will be charged at the current analytical rate as charged by the MCPWD laboratory and/or with any charges incurred by the County in conjunction with another outside laboratory performing analyses that are not analyzed by the MCPWD laboratory.
- (d) Any analytical cost not covered or any cost incurred in the analytical field during a non-compliance inspection, will be billed to the violator at the County's cost plus the handling charges incurred by the County.

10.02 INDUSTRIAL DISCHARGE PERMIT FEE:

- (a) Type I.....\$1,800.....3 Year Period
- (b) Type II.....\$900.....3 Year Period
- (c) Type III.....\$250.....3 Year Period

## ARTICLE XI

### ADMINISTRATIVE ENFORCEMENT REMEDIES

- 11.01 NOTIFICATION OF VIOLATION: Whenever Manatee County finds that any industrial user has violated or is violating any provision of this Ordinance, the Director may serve upon said user written notice of the violation. Within ten (10) days of the receipt of this notice, an explanation of the violation and a written plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director. Submission of this plan in no way relieves an industrial user of liability for any violations occurring before or after receipt of the notice of violation.
- 11.02 CONSENT ORDERS: The Director of MCPWD is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with an industrial user responsible for the noncompliance. Such orders will include compliance schedules, surcharges or remedial actions, and signatures of the authorized representative of the user and the Director.
- 11.03 SHOW CAUSE ORDER: The Director may order any industrial user which causes or contributes to a violation of this Ordinance to show cause why a proposed enforcement action should not be taken. The notice of the meeting shall be served by certified mail at least ten (10) days prior to the hearing.
- 11.04 COMPLIANCE ORDER: When the Director finds that an industrial user has violated or continues to violate this Ordinance, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated, and compliance is achieved.
- 11.05 CEASE AND DESIST ORDERS: When the Director finds that an industrial user has violated or continues to violate this Ordinance, he may issue an order to cease and desist all illegal discharges immediately. In an emergency, the order to cease and desist may be given by telephone; in non-emergency situations, the

## ARTICLE XI

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- 11.05 CEASE AND DESIST ORDERS: When the Director finds that an industrial user has violated or continues to violate this Ordinance, he may issue an order to cease and desist all illegal discharges immediately. In an emergency, the order to cease and desist may be given by telephone; in non-emergency situations, the

cease and desist order may be used to suspend or permanently revoke an Industrial Discharge Permit. The cease and desist order may order an industrial user to take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

- 11.06 **ADMINISTRATIVE SURCHARGES:** Notwithstanding any other section of this Ordinance, any industrial user who is found to have violated any provision of this Ordinance, or of permits, or of orders issued hereunder shall be charged an amount not to exceed one thousand dollars (\$1000.00) per day of violation. Such assessments shall be added to the industrial user's next scheduled sewer service charge.
- 11.07 **EMERGENCY SUSPENSION:** The Director may suspend an Industrial Discharge Permit if such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of County workers, any treatment plant, or the environment. Any industrial user notified of a suspension shall immediately stop or eliminate its contribution. In the event of an industrial user's failure to immediately comply with the suspension order, the Director shall take steps as deemed necessary, including immediate severance of the sewer connection. The Director shall allow the user to recommence its discharge when the endangerment has passed. An industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a written statement describing the cause of the harmful contribution and the measures taken to prevent any future occurrence, to the Director.
- 11.08 **ENFORCEMENT - JUDICIAL REMEDIES:** If any person discharges sewage or industrial waste into Manatee County's Sanitary Sewer Collection System contrary to the provisions of this Ordinance, or any order or permit issued hereunder, the County, through the County Attorney, may commence an action for appropriate legal and/or equitable relief in the Courts of Manatee County.
- 11.09 **INJUNCTIVE RELIEF:** Whenever an industrial user has violated or continues to violate the provisions of this Ordinance, or of any permit, or of orders issued hereunder, the County, through the County Attorney may petition the court for the issuance of a preliminary or permanent injunction, or both, which restrains or compels the activities of the industrial user.

- 11.10 **CIVIL PENALTIES:** Any industrial user who has violated or continues to violate this Ordinance or any order or permit issued hereunder, shall be subject to a civil penalty of not more than one thousand dollars (\$1000.00) plus actual damages incurred by Manatee County, per violation, per day, as long as the violation continues. In addition to the above described penalty and damages, Manatee County may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling, monitoring and analysis expenses. The County shall petition the court to impose, assess, and recover such sums. In determining amounts of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the industrial user, and any other factor that justice requires.
- 11.11 **CRIMINAL PROSECUTION:** Any industrial user who wilfully violates any provision of this Ordinance, or any orders or permits issued hereunder, shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed two thousand dollars (\$2000.00) and/or imprisonment in the County jail of up to sixty (60) days. Each day of a continuing violation shall be deemed a separate and distinct violation.
- 11.12 **SURCHARGES TO BE ADDED TO UTILITY BILLING:** Any surcharges provided for in this Ordinance may, at the discretion of MCPWD, be added to the applicable user's monthly utility billing, if the user is a MCPWD utility or solid waste customer.
- 11.13 **ADMINISTRATIVE HEARINGS:** Any administrative surcharges provided for in this Ordinance shall be imposed only after the following hearing procedure has been complied with:
- (a) The Director shall provide the alleged violating user with written notification of the specific violation(s) and the applicable sections(s) of this Ordinance.
  - (b) The notification provided in subsection (a) above shall inform the alleged violating user of a date and time for an administrative hearing, which hearing shall occur no earlier than ten (10) days after the violator's receipt of the notification.



- (c) The Director or his designated representative shall preside over the administrative hearing and shall entertain testimony and evidence.
- (d) The alleged violating user shall have the opportunity to be represented by counsel and to examine and cross examine witnesses.
- (e) If the alleged violating user is represented at the hearing by counsel, the MCPWD shall likewise be represented by the Office of the County Attorney
- (f) The Director shall issue written findings as soon after the hearing as is practicable.
- (g) The decision of the Director, if adverse to the alleged violating user, may be appealed to the Board of County Commissioners, in open session, for a final and binding decision. If an appeal is to be taken, written notice of the appeal shall be delivered to MCPWD no later than ten (10) days after the violator's receipt of the Director's written findings.

ARTICLE XII

EFFECTIVE DATE; RESCISSION OF ORDINANCE 88-01;

AND SEVERABILITY

- 12.01 EFFECTIVE DATE: This Ordinance shall take effect immediately upon the receipt of official acknowledgment from the Office of the Secretary of State, State of Florida, that this Ordinance has been filed with said office.
- 12.02 SUPERSEDING ORDINANCE 88-01: This Ordinance shall supersede and replace Ordinance 88-01 in its entirety.
- 12.03 SEVERABILITY OF INVALID PROVISIONS: If one or more of the provisions of this Ordinance should be held contrary to any express provision of law, or shall for any reason whatsoever be held null and void, it shall in no way affect the validity of other provisions of this Ordinance.

ORDINANCE NO. 91-39

SEWER USE ORDINANCE

PASSED AND DULY ADOPTED by the Board of County  
Commissioners of Manatee County, Florida this 1st  
day of October, 1991.

BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA

By: *Patricia M. Elms*  
Chairman

ATTEST: R.B. SHORE  
Clerk of the Circuit Court

By: *R.B. Shore*

**UNIVERSITY COMMONS  
LEGAL DESCRIPTION**

**DUKE AND BENEDICT  
SECTION 32-35-18 BOUNDARY**

**DESCRIPTION: PARCEL A**

A TRACT OF LAND IN SECTION 32, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA AS DESCRIBED IN DEED BOOK 362, PAGE 13 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE S.E. CORNER OF SAID SECTION 32, RUN N 00°48'04" E, ALONG THE EAST LINE OF SAID SECTION 32, A DISTANCE OF 173.01 FEET; THENCE N 89°15'10" W, A DISTANCE OF 33.00 FEET TO THE INTERSECTION OF THE WEST MAINTAINED RIGHT OF WAY LINE OF TUTTLE AVENUE AND THE NORTHERLY RIGHT OF WAY LINE OF UNIVERSITY PARKWAY (STATE ROAD 610 F.D.O.T. SECTION 13001-2502) FOR THE POINT OF BEGINNING; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: N 89°15'10" W, A DISTANCE OF 21.58 FEET; THENCE N 89°36'09" W, A DISTANCE OF 1042.96 FEET; THENCE N 00°34'27" E, A DISTANCE OF 2480.38 FEET TO THE SOUTH LINE OF THE NORTH 25.00 FEET OF THE S.E. 1/4 OF SAID SECTION 32; THENCE S 89°37'00" E, ALONG SAID SOUTH LINE, A DISTANCE OF 1074.38 FEET TO THE AFORESAID WEST RIGHT OF WAY LINE OF TUTTLE AVENUE; THENCE S 00°48'04" W, A DISTANCE OF 2480.82 FEET TO THE POINT OF BEGINNING.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.

CONTAINING 60.90 ACRES, MORE OR LESS.

**DUKE AND BENEDICT  
SECTION 33-35-18 BOUNDARY**

**DESCRIPTION: PARCEL B**

A TRACT OF LAND IN SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA AS DESCRIBED IN DEED BOOK 368, PAGE 13 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE S.W. CORNER OF SAID SECTION 33, RUN N 00° 48' 04" E, ALONG THE WEST LINE OF SAID SECTION 33, A DISTANCE OF 173.01 FEET; THENCE S 89° 15' 10" E, A DISTANCE OF 30.00 FEET TO THE INTERSECTION OF THE EAST MAINTAINED RIGHT OF WAY LINE OF TUTTLE AVENUE AND THE NORTHERLY RIGHT OF WAY LINE OF UNIVERSITY PARKWAY (STATE ROAD 610 F.D.O.T. SECTION 13001-2502) FOR THE POINT OF BEGINNING; THENCE N 00° 48' 04" E, ALONG SAID MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 2506.06 FEET TO THE NORTH LINE OF THE S.W. 1/4 OF SAID S.W. CORNER OF THE EAST 1/2 OF THE S.W. 1/4 OF THE N.W. 1/4 OF SAID SECTION 33; THENCE N 00° 49' 13" E, A DISTANCE OF 1340.13 FEET TO THE N.W. CORNER OF THE SAID EAST 1/2 OF THE S.W. 1/4 OF THE N.W. 1/4; THENCE S 89° 18' 06" E, A DISTANCE OF 654.87 FEET TO THE N.E. CORNER OF THE SAID EAST 1/2 OF THE S.W. 1/4 OF THE N.W. 1/4; THENCE S 00° 50' 21" W, A DISTANCE OF 1340.15 FEET TO THE S.E. CORNER OF THE SAID EAST 1/2 OF THE S.W. 1/4 OF THE N.W. 1/4; THENCE S 89° 18' 01" E, A DISTANCE OF 654.42 FEET TO THE N.E. CORNER OF THE N.W. 1/4 OF THE N.E. 1/4 OF THE S.W. 1/4 OF SAID SECTION 33; THENCE S 00° 51' 30" W, ALONG THE LINE OF THE SAID N.W. 1/4 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.W. 1/4, A DISTANCE OF 617.27 FEET TO THE INTERSECTION OF AN EXISTING FENCE LINE; THENCE S 80° 09' 44" E, ALONG SAID FENCE LINE, A DISTANCE OF 636.99 FEET; THENCE S 89° 07' 22" E, A DISTANCE OF 5.00 FEET TO THE WEST MAINTAINED RIGHT OF WAY LINE OF LOCKWOOD RIDGE ROAD; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: S 00° 52' 38" W, A DISTANCE OF 262.71 FEET; THENCE S 01° 27' 01" W, A DISTANCE OF 162.01 FEET; THENCE N 89° 15' 10" W, A DISTANCE OF 652.60 FEET; THENCE S 50° 31' 00" W, A DISTANCE OF 538.04 FEET; THENCE S 00° 44' 50" W, A DISTANCE OF 1017.53 FEET TO THE NORTH RIGHT OF WAY LINE OF UNIVERSITY PARKWAY; THENCE N 89° 15' 10" W, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1502.46 FEET TO THE POINT OF BEGINNING.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 126.41 ACRES, MORE OR LESS.

DUKE & BENEDICT  
Parcel C  
DESCRIPTION: AS FURNISHED

THE NORTH 215 FEET OF THE SOUTH 1/2 OF THE N.E. 1/4  
OF THE N.E. 1/4 OF THE S.W. 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH,  
RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS: BY THE UNDERSIGNED

FROM THE N.E. CORNER OF THE N.E. 1/4 OF THE N.E. 1/4  
OF THE S.W. 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST,  
RUN S 00° 52' 38" W, ALONG THE EAST LINE OF SAID S.W. 1/4,  
A DISTANCE OF 335.05 FEET TO THE POINT OF BEGINNING; THENCE  
CONTINUING S 00° 52' 38" W, ALONG SAID EAST LINE, A DISTANCE  
OF 218.30 FEET; THENCE N 89° 18' 01" W, A DISTANCE OF  
654.22 FEET TO THE WEST LINE OF THE N.E. 1/4 OF THE N.E.  
1/4 OF THE S.W. 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH,  
RANGE 18 EAST; THENCE N 00° 51' 30" E, A DISTANCE OF  
218.30 FEET; THENCE S 89° 18' 01" E, A DISTANCE OF 654.29 FEET  
TO THE POINT OF BEGINNING. LESS AND EXCEPT THE MAINTAINED  
RIGHT OF WAY FOR LOCKWOOD RIDGE ROAD. LYING AND BEING IN  
SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY,  
FLORIDA.

SUBJECT TO PERTINENT EASEMENTS; RIGHTS OF WAY AND  
RESTRICTIONS OF RECORD.

CONTAINING 3.28 ACRES, MORE OR LESS.

DUKE & BENEDICT  
Parcel D  
DESCRIPTION: AS FURNISHED

FROM THE SOUTHEAST CORNER OF THE N.E. 1/4 OF THE N.E.  
1/4 OF THE S.W. 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH,  
RANGE 18 EAST, RUN NORTH ALONG EAST LINE OF SAID N.E. 1/4  
OF N.E. 1/4 OF S.W. 1/4, 115 FEET TO A POINT; THENCE RUN  
WEST 660 FEET TO A POINT ON THE WEST LINE OF SAID N.E. 1/4  
OF N.E. 1/4 OF S.W. 1/4; THENCE RUN SOUTH 67.1 FEET TO A  
POINT 52.9 FEET NORTH OF THE S.W. CORNER OF SAID N.E. 1/4  
OF N.E. 1/4 OF S.W. 1/4; THENCE RUN SOUTHEASTERLY 320.594  
FEET TO A POINT ON THE SOUTH LINE OF SAID N.E. 1/4 OF N.E.  
1/4 OF S.W. 1/4 WHICH IS 316.2 FEET EAST OF THE SOUTHWEST  
CORNER THEREOF; THENCE CONTINUE SOUTHEASTERLY 322.414 FEET  
TO A POINT ON THE WESTERLY RIGHT OF WAY OF LOCKWOOD RIDGE  
ROAD WHICH IS 48.13 FEET SOUTH OF THE SOUTH LINE OF SAID  
N.E. 1/4 OF N.E. 1/4 OF S.W. 1/4; THENCE CONTINUE SOUTHEASTERLY  
ON THE SAME LINE TO THE EASTERLY LINE OF THE S.E. 1/4 OF  
N.E. 1/4 OF S.W. 1/4 OF SAID SECTION, WHICH IS ALSO THE  
CENTERLINE OF LOCKWOOD RIDGE ROAD; LESS AND EXCEPT THE RIGHT  
OF WAY OF LOCKWOOD RIDGE ROAD.

MORE PARTICULARLY DESCRIBED AS FOLLOWS: BY THE UNDERSIGNED

BEGINNING AT THE S.E. CORNER OF THE N.E. 1/4 OF THE  
N.E. 1/4 OF THE S.W. 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH,  
RANGE 18 EAST; THENCE RUN N 00° 52' 38" E, ALONG THE EAST  
LINE OF SAID S.W. 1/4, A DISTANCE OF 116.76 FEET; THENCE  
N 89° 18' 01" W, A DISTANCE OF 654.22 FEET TO THE WEST LINE  
OF SAID N.E. 1/4 OF THE N.E. 1/4 OF THE S.W. 1/4; THENCE  
S 00° 51' 30" W, ALONG SAID WEST LINE, A DISTANCE OF 63.91 FEET;  
THENCE S 80° 09' 44" E, A DISTANCE OF 636.99 FEET; THENCE  
S 89° 07' 22" E, A DISTANCE OF 5.00 FEET; THENCE S 89° 52'  
14" E, A DISTANCE OF 19.98 FEET TO THE EAST LINE OF SAID  
S.W. 1/4; THENCE N 00° 52' 38" E, A DISTANCE OF 48.13 FEET  
TO THE POINT OF BEGINNING. LESS AND EXCEPT THE RIGHT OF  
WAY FOR LOCKWOOD RIDGE ROAD. LYING AND BEING IN SECTION  
33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND  
RESTRICTIONS OF RECORD.

CONTAINING 1.75 ACRES, MORE OR LESS.

ATTACHMENT #5 (Page 2 of 4)

DUKE & BENEDICT - SECTION 33-35-18 BOUNDARY

DESCRIPTION: PARCEL E

THE S.W. 1/4 OF THE S.W. 1/4 OF THE N.W. 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, LESS A STRIP OF LAND 42 FEET WIDE OFF THE WEST SIDE OF SAID PARCEL FOR RIGHT OF WAY PURPOSES, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE N.W. CORNER OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN S 00° 48' 04" W, ALONG THE WEST LINE OF SAID SECTION 33, A DISTANCE OF 2680.24 FEET TO THE S.W. CORNER OF THE N.W. 1/4 OF SAID SECTION 33; THENCE S 89° 18' 01" E, A DISTANCE OF 42.00 FEET TO THE POINT OF BEGINNING, ALSO BEING THE EASTERLY RIGHT OF WAY LINE OF TUTTLE AVENUE; THENCE CONTINUING S 89° 18' 01" E, ALONG THE SOUTH LINE OF THE N.W. 1/4 OF SAID SECTION 33, A DISTANCE OF 612.22 FEET TO THE S.W. CORNER OF THE EAST 1/2 OF THE S.W. 1/4 OF THE N.W. 1/4 OF SAID SECTION 33; THENCE N 00° 49' 13" E, A DISTANCE OF 670.07 FEET TO THE N.E. CORNER OF THE S.W. 1/4 OF THE S.W. 1/4 OF THE N.W. 1/4; THENCE N 89° 18' 05" W, A DISTANCE OF 612.44 FEET TO THE EASTERLY RIGHT OF WAY LINE OF TUTTLE AVENUE; THENCE S 00° 48' 04" E, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 670.06 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHT OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 9.42 ACRES, MORE OR LESS.

THE CENTRE AT UNIVERSITY PARKWAY: PARCEL F

BOUNDARY REMAINING AFTER R/W DEDICATION FOR LOCKWOOD RIDGE ROAD

DESCRIPTION:

FROM THE S.W. CORNER OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN S 89° 15' 10" E, ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 1532.62 FEET; THENCE N 00° 44' 50" E, A DISTANCE OF 173.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF UNIVERSITY PARKWAY (STATE ROAD 610 F.D.O.T. SECTION 13001-2502) FOR THE POINT OF BEGINNING; THENCE CONTINUE N 00° 44' 50" E, A DISTANCE OF 1017.53 FEET; THENCE N 50° 31' 00" E, A DISTANCE OF 538.04 FEET; THENCE S 89° 15' 10" E, A DISTANCE OF 614.22 FEET; THENCE S 00° 52' 38" W, A DISTANCE OF 1348.48 FEET TO THE AFORESAID NORTHERLY RIGHT OF WAY LINE OF UNIVERSITY PARKWAY; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING SEVEN COURSES: S 57° 47' 43" W, A DISTANCE OF 31.22 FEET TO A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS S 01° 41' 47" W, AT A DISTANCE OF 5832.58 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00° 56' 58", A DISTANCE OF 86.65 FEET TO THE P.T. OF SAID CURVE; THENCE N 89° 15' 10" W, A DISTANCE OF 488.50 FEET; THENCE N 00° 44' 50" E, A DISTANCE OF 27.00 FEET; THENCE N 89° 15' 10" W, A DISTANCE OF 310.00 FEET; THENCE S 00° 44' 50" W, A DISTANCE OF 27.00 FEET; THENCE N 89° 15' 10" W, A DISTANCE OF 108.00 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.

CONTAINING 30.24 ACRES, MORE OR LESS.

# LEGAL DESCRIPTION OF ADDITIONAL ACREAGE

## DESCRIPTION:

THE SOUTH 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

ALSO: THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST.

TOGETHER WITH: THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

DESCRIPTION: (BY THE UNDERSIGNED)

FROM THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN S 00° 52' 38" W, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4, A DISTANCE OF 520.00 FEET; THENCE N 89° 18' 06" W, A DISTANCE OF 19.46 FEET TO THE WESTERLY MAINTAINED RIGHT OF WAY LINE OF LOCKWOOD RIDGE ROAD, ALSO BEING THE POINT OF BEGINNING; THENCE S 00° 46' 49" W, ALONG SAID MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 1155.23 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 33; THENCE N 89° 18' 01" W, ALONG SAID SOUTH LINE, A DISTANCE OF 636.79 FEET; THENCE N 00° 51' 30" E, ALONG THE WEST LINE OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 33, A DISTANCE OF 335.05 FEET TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE N 89° 18' 01" W, ALONG SAID SOUTH LINE, A DISTANCE OF 654.42 FEET TO THE WEST LINE OF SAID SOUTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE N 00° 50' 21" E, ALONG SAID WEST LINE, A DISTANCE OF 1340.15 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 33, THENCE CONTINUING N 00° 50' 21" E, ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 33, A DISTANCE OF 335.04 FEET TO THE NORTHWEST CORNER OF THE SOUTH 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE S 89° 18' 07" E, ALONG THE NORTH LINE OF THE SOUTH 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 33, A DISTANCE OF 1287.78 FEET TO THE WESTERLY MAINTAINED RIGHT OF WAY LINE OF LOCKWOOD RIDGE ROAD; THENCE S 00° 37' 11" W, ALONG SAID MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 445.05 FEET; THENCE S 00° 46' 49" W, ALONG SAID MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 410.00 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

STATE OF FLORIDA, COUNTY OF MANATEE, SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.

I hereby certify that the foregoing is a true copy of ORDINANCE NO. 389-46 adopted by the

Board of County Commissioners of said County on the 3rd day of June 1992, this 15th day

of June 1992, in Bradenton, Florida.

R. B. Shore

Clerk of Circuit Court

By: R. B. Shore D.C.

ATTACHMENT #5 (page 4 of 4)

copy to  
Dorinda PFI  
7/2/92  
GL



FLORIDA DEPARTMENT OF STATE

Jim Smith  
Secretary of State

DIVISION OF ELECTIONS

Room 2002, The Capitol, Tallahassee, Florida 32399-0250  
(904) 488-8427

FILED FOR RECORD  
R.B. SHORE  
CLERK CIRCUIT COURT  
MANATEE CO. FLORIDA  
JUN 18 11 02 AM '92

June 16, 1992

Honorable R. B. "Chips" Shore  
Clerk of the Circuit Court  
Manatee County Courthouse  
Post Office Box 1000  
Bradenton, Florida 34206

Attention: Susan G. French, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of June 15, 1992 and certified copy of Manatee County Ordinance Number Z-89-46(C), relating to University Commons General Development Plan, which was received and filed in this office on June 16, 1992.

The duplicate copy showing the filing date is being returned for your records.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mb

Enclosure (1)